1/8-1

NEWARK PUBLIC LIBRARY
JAN 2 1982
U. S. GOVT. PUBS.
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION

RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 1

January 1982

REPORTS

YEAR-END REPORT DUE

All political committees currently registered with the Commission must file a year-end report by January 31, 1982, regardless of their level of financial activity or whether they supported candidates in the 1981 special elections. (This requirement applies, for example, to all registered committees with outstanding debts from former campaigns.)

The year-end report must include all reportable transactions occurring since the last full report filed or (if the committee is new) from the date of registration through December 31, 1981. Complete reports must also include appropriate schedules (e.g., Schedule A for itemized receipts, Schedule B for itemized disbursements, Schedule C for outstanding loans and Schedule D for outstanding debts and obligations).

Note: Monthly filers must file a year-end report covering activity from the last monthly report through December 31, 1981. For example, if a committee filed a November monthly report, the year-end report would cover all activity from December 1 through December 31, 1981.

Committees that do not intend to receive contributions or make expenditures, and that have no outstanding debts, may be eligible to terminate. For details on termination, see the "800 Line," p. 3 of the May 1981 Record, or contact the Office of Public Communications (see below).

Forms and additional information will be sent to all registered committees. Questions and requests for forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

SPENDING LIMITS FOR PARTY COMMITTEES IN CONNECTICUT SPECIAL ELECTION

National and state party committees may make limited, coordinated expenditures on behalf of their Congressional candidates in the Connecticut special general election, which will be held on January 12. 2 U.S.C. §441a(d). The national committee of a party may make expenditures of up to $18,320 in support of its candidate. In addition, the candidate's state party committee, together with any subordinate party committees (e.g., county, district and local), may make combined coordinated party expenditures that are subject to a **single** limit of $18,320.

The limit on party spending for candidates for the U.S. House of Representatives is equal to $10,000, plus the 1981 increase in the Consumer Price Index (CPI). 2 U.S.C. §§441a(c) and (d)(3)(B). Since the annual CPI figures for 1981 will not be available before the Connecticut special general election, the Commission has calculated an $18,320 limit based on the CPI for the first ten months of 1981. The Commission will issue an additional notice when it receives the annual CPI increase certified by the Secretary of Labor.

Special coordinated party expenditures count neither as contributions to a candidate nor as

continued

3. El 2/3:

expenditures by the candidate or the candidate's authorized committees. The expenditures must, however, be reported; the party committee discloses them on Schedule F, FEC Form 3X. The FEC has sent informational notices to party committees in Connecticut. For further information, contact the Commission at 202/523-4068 or toll-free 800/424-9530.

OPINIONS

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1981-34: Funds Transferred from Membership Organization's Legislative Fund to its Separate Segregated Fund

The National Association of Retired Federal Employees (NARFE), an incorporated membership organization, may transfer funds from a special legislative fund established to oppose the merger of the social security and federal retirement systems (the Anti-Merger Fund) to its separate segregated fund, provided NARFE remedies the deficient notice it used when it originally solicited donations to the Anti-Merger Fund. The transfer is possible because the Anti-Merger Fund has been maintained in a separate bank account, distinct from NARFE's general treasury, and because those solicited for the Anti-Merger Fund were members of NARFE, eligible to be solicited for contributions to a separate segregated fund.

Under the Act, when an incorporated membership organization solicits contributions to its separate segregated fund, it must notify its solicited members of the fund's political purposes and of their right to refuse to contribute without reprisal. 2 U.S.C. §§441b(b)(3)(B) and (C); 11 CFR 114.5(a). The solicitation NARFE made to the Anti-Merger Fund only partially complied with the Act's requirements. The solicitation letter stated that donations were entirely voluntary. However, the NARFE solicitation letter failed to provide explicit notice that the funds were being solicited for "political purposes" (as defined by the Act), i.e., to support federal candidates.

In order to transfer donations from the Anti-Merger Fund to the separate segregated fund, therefore, NARFE must remedy this solicitation deficiency by mailing a letter to those members who contributed to the Anti-Merger Fund. The letter must include a return envelope with prepaid postage and a form on which the donor may easily disapprove, in writing, the transfer of the unspent portion of his/her donation to NARFE's separate segregated fund. Transfers may be made only:

1. After a reasonable time has passed (e.g., a period of time equal to the time allotted for receipt of the donations to the Anti-Merger Fund and at least 90 days from the date of the mailing); and
2. If the balance remaining in the Anti-Merger Fund is equal to the total amount of unspent donations that were disapproved for transfer. Donations transferred are subject to the Act's re-

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: John Warren McGarry, Chairman; Frank P. Reiche, Vice Chairman; Joan D. Aikens; Thomas E. Harris; Vernon W. Thomson; Robert O. Tiernan; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

porting requirements and its limits and restrictions on contributions. (Date issued: December 9, 1981; Length: 7 pages)

AO 1981-36: PAC Established by Trade Association with Foreign National Members

The Japan Business Association of Southern California (JBA) is an incorporated trade association whose membership includes foreign nationals and domestic corporations wholly or partially owned by Japanese business corporations. Because it is not a foreign national, JBA may contribute its general corporate funds to its proposed political fund, the Japan Business Association Political Action Committee (JBAPAC). JBAPAC will support only state and local candidates.

Although JBA's membership includes foreign nationals, JBA is not a foreign national because it is a domestic corporation with its principal place of business in California. 2 U.S.C. §441e; 22 U.S.C. §661(b). To ensure, however, that JBAPAC does not **indirectly** make contributions on behalf of any foreign national, no foreign nationals may direct or dictate JBAPAC decisions. This means, for example, that no foreign national may serve in a decision-making role for JBAPAC.

The Commission expressed no opinion on relevant state laws or regulations of the Fair Political Practices Commission. Commissioner Thomas E. Harris filed a dissenting opinion with which Commissioner Robert O. Tiernan concurred. (Date issued: December 9, 1981; Length: 5 pages, including dissenting opinion)

AO 1981-41: Trade Association's Methods for Obtaining PAC Solicitation Approvals from Member Corporations

The International Association of Amusement Parks and Attractions (IAAPA), a trade association, may undertake three activities designed to obtain approvals from member corporations for solicitations to IAAPA's separate segregated fund (the PAC). Under the Act and Commission Regulations, a trade association must obtain written approval from each member corporation **before** soliciting that corporation's solicitable personnel. 2 U.S.C. §441b(b)(4)(D) and 11 CFR 114.8(d). In order to obtain the written approvals, IAAPA may conduct the following activities in conjunction with its annual convention, **as long as the activities do not involve soliciting contributions to IAAPA's PAC:**

1. Prior to the convention, IAAPA may publish an article in its news magazine inviting member corporations to approve solicitations by IAAPA, provided the article contains only general information about the PAC and does not encourage contributions to support the PAC or tell readers to contribute to it. The article may mention that a booth will be set up at the convention expressly for the purpose of obtaining corporate member approvals for solicitation of their solicitable personnel. The article may also include a clip-out form to be used by corporate members for approving solicitations, as long as the form contains the explicit information required by Section 114.8 of FEC Regulations.
2. IAAPA may set up a booth at the convention to obtain corporate solicitation approvals, provided the IAAPA representative does not solicit PAC contributions from nonsolicitable individuals. This means that the representative may hand out to anyone a pamphlet that meets the same standards established for the newsletter article (discussed above); under these conditions, the pamphlet would not be considered a solicitation for contributions to the PAC. If, however, the pamphlet does not meet these qualifications, and thus is a solicitation, the representative may distribute it only to individuals who may be solicited by IAAPA and its PAC.
3. An IAAPA representative may make a five-minute presentation on the PAC at a convention meeting, provided the representative does not encourage support of the PAC or tell listeners how to contribute to the PAC. The representative may not invite listeners to pick up a brochure at the booth if the brochure solicits contributions to the PAC. The representative may, however, invite officers of IAAPA's corporate members to visit the booth to give their approval to solicitations by the PAC.

Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: November 17, 1981; Length: 7 pages, including dissenting opinion)

AO 1981-46: Exchange of Mailing Lists Between Candidate Committee and Other Political Committees and Organizations

The Committee for Congressman Ronald V. Dellums (the Committee) may exchange contributor lists of corresponding value with other political committees, individuals, organizations and corporations. The advisory opinion request indicated that, in the fundraising industry, a list of names an organization provides in exchange for names it acquires is considered an acceptable form of payment (i.e., a "usual and normal" service charge) as long as the names exchanged are of **equal** value. 11 CFR 100.7(a)(1)(iii)(B). In this case, therefore, the exchange of names of equal value between the Committee and another political committee (including a state or local party organization), a nonprofit organization, a corporation or an individual would not result in a contribution to the Committee. Accordingly, the value of names provided to the Committee would not be subject to the Act's limits and prohibitions on contributions. Nor would the exchange have to be reported. Similarly, costs incurred by the owner of the list to produce the names for the Committee would not result in a contribution to the Committee because, in the fundraising industry, such costs are customarily included in the fee for a list.

Committee acceptance of contributor names in exchange for a **future** use of the Committee's mailing list is also permissible, provided the names are of equal value and the future use of names actually occurs.

The Commission did not express an opinion on the application of state or local laws to the exchange of mailing lists between the Committee and unregistered state or local committees. (Date issued: November 16, 1981; Length: 5 pages)

AO 1981-48: Recordkeeping Requirements for Party's Bingo Fundraisers

If the Muskegon County Republican Party of Muskegon, Michigan (the Party) uses proceeds of its bingo fundraisers for federal election activity, the Party must follow the Act's recordkeeping procedures for contributions of less than $50 if the Party qualifies as a political committee under the Act. (See 2 U.S.C. §431(4)(C).) As a registered committee, the Party would be required to keep records of the proceeds from the bingo games. The Commission recommends one of the following accounting methods for keeping records of a large number of small contributions (i.e., less than $50).

1. The Party may keep the same records for contributions under $50 that it must keep for contributions of $50 or more, i.e., the name and address of each contributor and the date and amount of the contribution. If the Party uses this method, or otherwise retains information on the names of contributors, it should also track the amount donated by each contributor on a calendar-year basis in order to comply with the requirements for recording aggregated contributions. 11 CFR 102.9(a)(2).
2. Alternatively, the Party may record the name of the fundraising event, the dates the contributions were received for the event, and the total amount of contributions received on each day for the event. (Date issued: December 7, 1981; Length: 3 pages)

ADVISORY OPINION REQUESTS

The following chart lists recent AORs. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject	Date Made Public	Pages
1981-52	Trade association solicitation of unincorporated trust members.	11/18/81	3
1981-53	Campaign committee's sale of its computer mailing lists.	11/18/81	4
1981-54	PAC established by partnership of subsidiaries of two corporations.	12/2/81	2

AOR	Subject	Date Made Public	Pages
1981-55	Members of membership organization solicited by PAC of affiliated membership organization.	12/9/81	8

ALTERNATE DISPOSITION OF ADVISORY OPINION REQUEST

- **AOR 1981-47** (union payroll deduction plan facilitating earmarked contributions) was withdrawn by its requester on November 17, 1981.

LEGISLATION

FEC TESTIFIES ON AMENDMENTS TO FECA

On November 20, 1981, FEC Chairman John Warren McGarry testified before the Senate's Committee on Rules and Administration on proposals to amend the Federal Election Campaign Act. He was accompanied by Commissioner Joan D. Aikens. In his testimony, Chairman McGarry stated that the Commission welcomed the Committee's examination of its operations. Noting the need for a strong independent regulatory agency to administer the election law, Chairman McGarry said that "...disclosure and other campaign finance requirements would be of little value if not meaningfully enforced. Absence of effective enforcement was one reason why prior disclosure laws were largely ignored." Mr. McGarry added that "the FEC's monitoring procedures, technical assistance and enforcement actions have all worked to ensure that candidates and committees file timely and complete reports and comply with statutory campaign finance requirements." As a result, "the details of political campaigns have been disclosed to the public to a greater extent than ever before."

The Chairman noted that a number of the legislative changes recommended by Senator Arlen Specter (R-PA) in his bill (S. 1899) and by Senator Charles Mathias (R-MD), Committee Chairman, in his bill (S. 1851) had been suggested by the Commission in previous annual reports to the Congress. The FEC took note of proposed amendments that would:

- Relieve burdensome reporting requirements;
- Modify current limits on contributions and expenditures, e.g., increase dollar limits on contributions;
- Ensure that the Act covers contributions and expenditures made by draft committees;
- Provide a single point of entry for filing all reports required under the Act;
- Revise the Commission's duties and powers, e.g., bring into conformity the judicial review provisions of Titles 2 and 26;
- Shorten the period for Congressional review of the FEC's proposed regulations from 30 to 15 days;
- Clarify which entities must register and report as political committees under the Act; and
- Revise the Presidential public funding program, e.g., remove the state-by-state spending limits for Presidential primary matching fund recipients, yet preserve the overall spending limit.

Chairman McGarry pointed out, however, that, while the Commission has and will continue to recommend changes in the law, it is "bound to enforce the law as it is written" until legislative changes are made.

PUBLIC APPEARANCES

Date	Sponsoring Organization
1/22	The League of Women Voters of Texas Election Laws and Practices Conference Austin, Texas Chairman John Warren McGarry

THE LAW IN THE COURTS

SUPREME COURT REVERSES APPEALS COURT IN FEC v. DSCC

On November 10, 1981, the Supreme Court issued an opinion reversing a decision by the U.S. Court of Appeals for the District of Columbia Circuit in the consolidated cases of FEC v. Democratic Senatorial Campaign Committee (DSCC) and National Republican Senatorial Committee (NRSC) v. DSCC (Civil Action Nos. 80-939 and 80-1129). The Court's opinion upheld the FEC's dismissal of a complaint that the DSCC had filed against the NRSC in May 1980. In reversing the appeals court's decision, the Court affirmed an earlier decision by the U.S. District Court for the District of Columbia, which held that the Commission's dismissal of DSCC's complaint had not been contrary to law.

In its complaint, DSCC had alleged that NRSC, acting as an agent for certain state Republican Party committees, had made special "coordinated" expenditures on behalf of Senate candidates, in violation of the Act. 2 U.S.C. §441a(d)(3). In dismissing the complaint, the Commission had relied on its consistent construction of 2 U.S.C. §441a(d)(3), i.e., that Congress had not intended to prohibit the type of intraparty arrangements used by the Republican Party committees.

The Supreme Court's opinion affirmed the Commission's construction of §441a(d)(3) as a "sufficiently reasonable" one. The Court found that the district court had been "correct" in according deference to the Commission's interpretation.* The Court held that "Section 441a(d)(3) does not expressly or by necessary implication foreclose the use of agency arrangements, such as are at issue here, and the FEC thus acted within the authority invested in it by Congress when it determined to permit such agreements....

While §441a(d)(3) does not authorize the NRSC to make expenditures in its own right, it does not follow that it may not act as agent of a Committee that is expressly authorized to make expenditures." The Court further held that "the FEC's view that the agency agreements were logically consistent with §441a(4) -- which authorizes the transfer of funds among national, state, and local committees of the same party -- is acceptable." (For a detailed summary of the suits, see page 2 of the August 1981 Record.)

ARCHIE E. BROWN v. FEC

On November 20, 1981, the U. S. Court of Appeals for the District of Columbia Circuit issued a judgment affirming an earlier decision by the district court in Archie E. Brown v. FEC (Civil Action No. 80-2108). The district court's decision had upheld the FEC's dismissal of the complaint plaintiff had filed against the International Brotherhood of Teamsters, Chauffeurs, and Warehousemen and Helpers of America (the Teamsters). In his complaint, plaintiff alleged that Local 745 of the Teamsters had violated 2 U.S.C. §441b(b)(3)(A) by attempting to coerce him to contribute to DRIVE (the Democratic Republican Independent Voter Education), the separate segregated fund of the Teamsters. Plaintiff alleged that he was subsequently denied membership in Local 745 because he had refused to contribute to, or join, DRIVE. Plaintiff claimed that the FEC's dismissal of his complaint was contrary to law.

In upholding the FEC's determination, the district court said that the General Counsel's Report to the Commission indicated that "...plaintiff's membership in Local 745 was denied because his union dues were unpaid, not because he refused to contribute to DRIVE." Moreover, the district court held that the General Counsel's Report, by itself, was a sufficient record for the court's review of the Commission's determination in the complaint. In appealing the district court's decision, plaintiff contended, however, that the General Counsel's Report alone, without a separate statement of the Commission's reasons for dismissing the complaint, afforded "...an inadequate basis for informed judicial review."

In its Memorandum affirming the district court's decision, the appeals court found no merit in plaintiff's assertion. The appeals court cited the Supreme Court's decision in FEC v. Democratic Senatorial Campaign Commission (see above), which held that the

---

* Moreover, the Court did not take issue with the fact that the FEC's dismissal of the complaint was based solely on the General Counsel's Report.

General Counsel's Report constituted sufficient grounds to dismiss an administrative complaint -- even if the Report were not expressly adopted by the Commission. The appeals court concluded that the General Counsel's Report to the Commission recommending dismissal of Brown's complaint was sufficiently reasonable, "...particularly when considered in the context of the large discretion the Commission has to determine whether or not a civil violation of the Act has occurred."

NATIONAL RIGHT TO WORK COMMITTEE v. FEC

On November 13, 1981, the U.S. Court of Appeals for the District of Columbia Circuit, sitting en banc, denied the FEC's suggestion for a rehearing of National Right to Work Committee, Inc. (NRWC) v. FEC (Civil Action No. 80-1487). Five of the ten judges on the appeals court panel had voted to grant the Commission's petition. The Commission's petition sought review of a September 4 ruling by a three-judge panel of the appeals court, which had reversed an earlier ruling of the U.S. District Court for the District of Columbia. In its ruling, the original appeals court panel had found that the term "member," as used in Section 441b(b)(4)(C) of the election law embraced "...at least those individuals whom NRWC [a nonprofit corporation without capital stock] describe[d] as its active and supporting members...."i.e., "...those individuals solicited by NRWC for contributions to its separate segregated fund."

On December 15, the Commission voted to petition the Supreme Court for a writ of certiorari. For a detailed summary of the suit, see page 3 of the November 1981 Record.

COMPLIANCE

FEC PUBLISHES NAMES OF PRESIDENTIAL NONFILERS

On November 2, 1981, as required by law, the Commission published the names of four authorized Presidential committees that had failed to file their third quarterly report by October 15, 1981. One of the committees, authorized by a 1976 Presidential candidate, had failed to report activity for its 1976 Presidential campaign. The other three had failed to file reports relating to the 1980 elections. (Under the election law, a candidate's authorized campaign committee may terminate only when its debts and obligations have been extinguished and when the debts of its affiliated authorized committees have also been extinguished. 11 CFR 102.3.)

During the 1981 nonelection year, authorized committees of Presidential candidates have the option of reporting on a monthly or quarterly basis. The four committees cited by the Commission chose the quarterly reporting option, but then failed to file the third quarterly report on time.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between November 10 and December 11, 1981. Final audit reports are available to the general public through the Office of Public Records.

Audit	Date Made Public
1. The Citizens Party	11/10/81
2. Maine Democratic State Committee	11/16/81
3. League of Conservation Voters Campaign Fund	11/25/81
4. California Republican Victory Fund	12/4/81
5. The Reagan Bush Committee, the Reagan Bush Compliance Fund and the Democrats for Reagan (Final Audit Report of the General Election Campaign)	12/11/81

FEDERAL REGISTER NOTICES

The item below identifies an FEC document that appeared in the Federal Register on December 9, 1981. Copies of this notice are **not** available from the FEC.

Notice	Title	Date	Citation
1981-12	Rulemaking Petition: Notice of Availability (re: revising FEC Regulations on independent expenditures)	12/9/81	46 Fed. Reg. 60273

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C
PERMIT NO. G 31

11/8-2

NEWARK PUBLIC LIBRARY
FEB 26 1982
U. S. GOVT. PUBS.
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION

RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 2

February 1982

COMMISSIONERS

PRESIDENT REAGAN NAMES THREE APPOINTEES TO COMMISSION

On December 17, 1981, President Reagan made three recess appointments to the Commission. The Senate Rules Committee has not yet scheduled confirmation hearings.

Two of the appointments went to Lee Ann Elliott, a Republican, and Danny Lee McDonald, a Democrat, each of whom was nominated to serve a six-year term. Commissioner Joan D. Aikens, whose previous term expired in 1981, was reappointed to serve the remaining two years of former Commissioner Max Friedersdorf's term. (Mr. Friedersdorf, who resigned in December 1980, was succeeded by former Commissioner Vernon W. Thomson. Named in a recess appointment by President Carter, Mr. Thomson held Mr. Friedersdorf's seat for one year.)

New Commissioners

Prior to her appointment to the Commission, Mrs. Elliott served as Vice President of Bishop, Bryant & Associates, Inc., of Washington, D.C. From 1970 to 1979, Commissioner Elliott was Associate Executive Director of the American Medical Political Action Committee, having served as Assistant Director from 1961 to 1970. Mrs. Elliott also served on the Board of Directors of the American Association of Political Consultants and of the Chicago Area Public Affairs Group, of which she is a past president. She was a member of the Public Affairs Committee of the Chamber of Commerce of the United States. In 1979, she received the Award for Excellence in Serving Corporate Public Affairs from the National Association of Manufacturers. Mrs. Elliott's term is scheduled to expire on April 30, 1987.

Prior to his appointment to the Commission, Mr. McDonald served as General Administrator of the Oklahoma Corporation Commission since 1979. In this position, he was responsible for the management of 10 regulatory divisions. He was Secretary of the Tulsa County Election Board from 1974 to 1979, and served as Chief Clerk of the Board in 1973. He has also served as a member of the Advisory Panel to the FEC's National Clearinghouse on Election Administration. Mr. McDonald's term as FEC Commissioner is scheduled to expire on April 30, 1987.

NEW OFFICERS ELECTED

On January 7, 1982, the Federal Election Commission unanimously elected Frank P. Reiche as Chairman and Danny Lee McDonald as Vice Chairman to serve one-year terms. Mr. Reiche succeeded Commissioner John Warren McGarry in the Chairmanship. Mr. McDonald succeeded Mr. Reiche as Vice Chairman.

Under current procedures, the Commission elects its officers at the last public meeting in December, and the terms of office coincide with the calendar year. The election of new officers for 1982, scheduled for December 17, 1981, was delayed, however, due to the appointment of three new members to the Commission that same day (see above).

Chairman Reiche, a member of the Commission since July 31, 1979, served as Vice Chairman during 1981. Prior to his appoint-

continued

Y 3. El 2/3:

ment to the Commission, Mr. Reiche was a practicing attorney and partner in the Princeton, N.J., law firm of Smith, Stratton, Wise and Heher. He served as a member of New Jersey Governor William T. Cahill's Tax Policy Committee from 1970 to 1972. Governor Cahill appointed Mr. Reiche Chairman of the first New Jersey Election Law Enforcement Commission in 1973; he was reappointed as Chairman by Governor Brendan Byrne in 1975. During 1977-78, he also served as Chairman of the Steering Committee of Interstate Agencies, which led to the organization of the Council on Governmental Ethics Laws. Mr. Reiche's term as a member of the Commission will expire on April 30, 1985.

Vice Chairman McDonald's prior experience is detailed above.

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent AORs. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject	Date Made Public	No. of Pages
1981-56	PAC established by partnership of three corporations; solicitation of partnership's personnel by trade association.	12/15/81	9
1981-57	Earmarking contributions to candidates and committees through PAC.	12/17/81	3
1981-58	State campaign funds used for litigation involving Congressional reapportionment.	12/22/81	1
1981-59	Procedures for transferring proceeds raised through joint fundraising by state/federal PACs of trade association.	12/29/81	6
1981-60	PAC and candidate's solicitation letters forwarded by citizen recipient to other individuals.	12/29/81	2
1981-61	Payment by bank holding company of chairman's contribution to state party committee.	12/30/81	13
1982-1	Funds transferred from terminated 1982 Congressional campaign to newly registered 1982 Senate campaign.	1/7/82	4

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1981-50: Plan to Facilitate Member Participation in Partnership Contributions

A plan proposed by the law partnership of Hansell, Post, Brandon & Dorsey (the partnership) to facilitate members' participation in contributions by the partnership to federal candidates would not cause the partnership to become a political committee under the Act.

Under the plan, several members of the partnership would provide an information clearinghouse to distribute solicitation letters received in connection with campaigns for fed-

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

eral office and a bookkeeping service to facilitate members' participation in partnership contributions. The group would recommend a guideline for total annual contributions from the members. The partnership would keep records of members who wished to participate in partnership contributions, including the amount he/she wished to designate to a particular candidate. When the partnership made a contribution to a campaign committee, it would send a partnership check with a cover letter itemizing each member's share of the contribution. The account of each member participating in that contribution would then be charged for his/her share of the contribution.

Under the Act and Commission Regulations, partnerships do not become political committees by virtue of contributing to federal candidates. Partnerships may make contributions, as long as: 1) they do not exceed the per election monetary limits for contributions from persons and 2) they attribute their contributions to both the partnership and the individual partners. 11 CFR 110.1(e).

Under the proposed plan, the partnership would meet these requirements. Additionally, there would be no separate fund established to collect contributions from members for transmittal to federal candidates. The plan would not require members to designate contributions of a specific amount to any particular candidate or class of candidates on an annual basis. The incidental expenditures for implementing the plan —less than $1,000- would be considered part of the partnership's effort to obtain the consent of members who wished to share in a partnership contribution. Commissioner Frank P. Reiche filed a concurring opinion. (Date issued: December 14, 1981; Length: 7 pages, including concurring opinion)

ADVISORY OPINION UPDATE AVAILABLE

A supplement updating the Commission's cumulative Index to Advisory Opinions is now available. The December 1981 Interim Sheet includes all opinions issued from August through December 31, 1981. Purchase price for the December 1981 Interim Sheet is $.90. The cumulative Index to Advisory Opinions, providing a subject index and indexes by the U.S. Code and the Code of Federal Regulations for all opinions issued between April 1975 and December 1981, is also available for $6.00. Orders, accompanied by checks made payable to the United States Treasurer, should be sent to the FEC's Office of Public Records.

REPORTS

ELECTION YEAR REPORTING SCHEDULE

The following paragraphs explain the reporting schedule for the various categories of filers during the 1982 election year.

1. **Authorized Candidate Committees Active in 1982 Elections**
   Authorized candidate committees active in 1982 elections are required to file pre-primary and pre-general election reports, a post-general election report and quarterly reports during 1982. (For filing dates of reports, see pages 4 and 5 below.)

2. **Authorized Candidate Committees Not Active in 1982 Elections**
   Authorized candidate committees that will not be active in 1982 elections (i.e., committees authorized by candidates seeking election in a year other than 1982 or committees active in previous elections with outstanding campaign debts) must continue to report semiannually. (For filing dates of reports, see page 4 below.)

3. **Authorized Presidential Filers**
   Authorized Presidential committees may continue to report on a monthly or quarterly basis during 1982. (For filing dates of reports, see page 4 below.)

   Note: The FEC's Reports Analysis Division requests that Presidential committees that change their reporting schedule during 1982 notify the Commission of their intention in writing.

4. **Unauthorized Committees**
   All unauthorized committees (i.e., committees not authorized by candidates) are required to file on either a quarterly or monthly basis in 1982. (The reporting

continued

schedules for quarterly and monthly filers are detailed below.)

Those committees that choose to file **quarterly** must also file a post-general election report. Quarterly filers supporting candidates in 1982 elections also file pre-primary and pre-general election reports if this financial activity has not been previously disclosed. (For filing dates of reports, see below.)

Note: Unauthorized committees that wish to change their reporting schedule during 1982 must notify the Commission of their intention by a letter submitted with the next report due at the time they decide to change their filing frequency. A committee may **not** change its filing frequency more than once during 1982. 11 CFR 104.5(c).

During 1982, reporting forms and additional information will be sent to all registered committees. Questions and requests for forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

DUE DATES FOR 1982 REPORTS

The charts below list filing dates for reports required during the 1982 election year. Reporting schedules are provided for pre- and post-election reports, as well as monthly, quarterly and semiannual reports.

GENERAL ELECTION

Date of Election:	November 2
Pre-Election Report	
Closing date of books:	October 13
Mailing date:	October 18
Filing date:	October 21
Post-Election Report	
Closing date of books:	November 22
Mailing date:	December 2
Filing Date:	December 2

MONTHLY REPORTS

Month	Period Covered	Filing Date
February	1/1 - 1/31	February 20
March	2/1 - 2/28	March 20
April	3/1 - 3/31	April 20
May	4/1 - 4/30	May 20
June	5/1 - 5/31	June 20
July	6/1 - 6/30	July 20
August	7/1 - 7/31	August 20
September	8/1 -8/31	September 20
October	9/1 - 9/30	October 20
Pre-Election	10/1 - 10/20	October 23
Post-Election	10/21 - 11/24	December 4
Year-End	11/25 - 12/31	January 31, 1983

QUARTERLY REPORTS*

Quarter	Close of Books	Filing Date (and mailing date if sent by registered or certified mail)
First	March 31	April 15
Second	June 30	July 15
Third	September 30	October 15
Fourth (Year-End)	December 31	January 31, 1983

***Quarterly Waiver:** If a pre-election report is due within the period beginning on the 5th day and ending on the 15th day after the close of a calendar quarter, the quarterly report is waived.

SEMIANNUAL REPORTS

Report	Period Covered	Filing Date
First	1/1 - 6/30	July 31
Second	7/1 - 12/31	January 31, 1983

FILING DATES — 1982 REPORTS

PRIMARY ELECTION REPORTS
CONGRESSIONAL

		12-Day Pre-Election Report		
State or Territory	Date of Election	Closing Date of Books	Mailing Date (if sent by registered or certified mail	Filing Date
Alabama	September 7	August 18	August 23	August 26
Alabama runoff	September 28	September 8	September 13	September 16
Alaska	August 24	August 4	August 9	August 12
*Arizona	September 7	August 18	August 23	August 26
**American Samoa	November 2	October 13	October 18	October 21
American Samoa runoff	November 16	October 27	November 1	November 4
Arkansas	May 25	May 5	May 10	May 13
Arkansas runoff	June 8	May 19	May 24	May 27
*California	June 8	May 19	May 24	May 27
Colorado	September 14	August 25	August 30	September 2
*Connecticut	September 7	August 18	August 23	August 26
*Delaware	September 11	August 22	August 27	August 30
**District of Columbia	September 14	August 25	August 30	September 2
*Florida	September 7	August 18	August 23	August 26
Florida runoff	October 5	September 15	September 20	September 23
Georgia	August 10	July 21	July 26	July 29
Georgia runoff	August 31	August 11	August 16	August 19
**Guam	September 4	August 15	August 20	August 23
*Hawaii	September 18	August 29	September 3	September 6
Idaho	May 25	May 5	May 10	May 13
Illinois	March 16	February 24	March 1	March 4
*Indiana	May 4	April 14	April 19	April 22
Iowa	June 8	May 19	May 24	May 27
Kansas	August 3	July 14	July 19	July 22
Kentucky	May 25	May 5	May 10	May 13
Louisianna	September 11	August 22	August 27	August 30
*Maine	June 8	May 19	May 24	May 27
*Maryland	September 14	August 25	August 30	September 2
*Massachusetts	September 14	August 25	August 30	September 2
*Michigan	August 3	July 14	July 19	July 22
*Minnesota	September 14	August 25	August 30	September 2

Note: Primary election dates are subject to change.

*States holding Senate elections.

**The District of Columbia and the U.S. Territories of American Samoa, Guam and the Virgin Islands will each hold an election for Delegate to the U.S. House of Representatives.

PRIMARY ELECTION REPORTS
CONGRESSIONAL

		12-Day Pre-Election Report		
State or Territory	Date of Election	Closing Date of Books	Mailing Date (if sent by registered or certified mail	Filing Date
*Mississippi	June 1	May 12	May 17	May 20
Mississippi runoff	June 22	June 2	June 7	June 10
*Missouri	August 3	July 14	July 19	July 22
*Montana	June 8	May 19	May 24	May 27
*Nebraska	May 11	April 21	April 26	April 29
*Nevada	September 14	August 25	August 30	September 2
New Hampshire	September 14	August 25	August 30	September 2
*New Jersey	June 8	May 19	May 24	May 27
*New Mexico	June 1	May 12	May 17	May 20
*New York	September 14	August 25	August 30	September 2
North Carolina	May 4	April 14	April 19	April 22
North Carolina runoff	June 1	May 12	May 17	May 20
*North Dakota	June 8	May 19	May 24	May 27
*Ohio	June 8	May 19	May 24	May 27
Oklahoma	August 24	August 4	August 9	August 12
Oklahoma runoff	September 21	September 1	September 6	September 9
Oregon	May 18	April 28	May 3	May 6
*Pennsylvania	May 18	April 28	May 3	May 6
Puerto Rico	No Election for Resident Commissioner to the U.S. House of Representatives in 1982			
*Rhode Island	September 14	August 25	August 30	September 2
South Carolina	June 8	May 19	May 24	May 27
South Carolina runoff	June 22	June 2	June 7	June 10
South Dakota	June 1	May 12	May 17	May 20
*Tennessee	August 5	July 16	July 21	July 24
*Texas	May 1	April 11	April 16	April 19
Texas runoff	June 5	May 16	May 21	May 24
*Utah	September 14	August 25	August 30	September 2
*Vermont	September 14	August 25	August 30	September 2
**Virgin Islands	September 14	August 25	August 30	September 2
*Virginia	June 8	May 19	May 24	May 27
*Washington	September 14	August 25	August 30	September 2
*West Virginia	June 1	May 12	May 17	May 20
*Wisconsin	September 14	August 25	August 30	September 2
*Wyoming	September 14	August 25	August 30	September 2

THE LAW IN THE COURTS

REAGAN BUSH COMMITTEE v. FEC

On December 10, 1981, the U.S. Court of Appeals for the District of Columbia Circuit denied an injunction barring the FEC from releasing an interim audit report of the Reagan Bush Committee's (the Committee's) publicly funded general election campaign. The Committee had sought the injunction pending its appeal of an earlier decision by the district court, which had also denied its motion for an injunction (Reagan Bush Committee v. FEC; Civil Action No. C.A. 81-1893). The appeals court found no merit in the Committee's argument that release of the interim audit report would cause the Committee "irreparable harm," especially "in the absence of clear Congressional intent that interim audit reports are not to be made public." Moreover, the court held that appellant's motion was "particularly inappropriate in the light of the well established policy that courts should not interfere in an interim agency action when Congress has enacted special statutory procedures for review of the final result."

Plaintiff's Claims

In filing its suit with the district court on August 10, 1981, the Committee had asked the court to issue an order:

- Preliminarily enjoining the FEC from releasing an interim audit report dealing with the Reagan Bush campaign; and
- Requiring disclosure of certain materials under the Freedom of Information Act (FOIA).

Plaintiff had also asked the court to enjoin the FEC from taking any further action with respect to the Committee's "alleged violations" of the Act or repayments of public funds recommended by the FEC, until the Commission:

- Made available all the documents requested by the Committee under the FOIA;
- Provided the Committee with a further opportunity to respond to the alleged violations and recommended repayments; and
- Conducted a hearing on these disputed matters.

District Court's Ruling

In granting the FEC's motion for summary judgment in the suit, the district court ruled that the interim audit report was not a **final** FEC determination on repayments and that the "FEC audit process leading to repayment determinations is replete with procedural protections" that would allow the Committee to dispute any FEC audit findings **before** the Commission made a final repayment determination. Moreover, the court pointed out that repayment determinations and the procedure for enforcing violations of the election law are treated as two different functions under the statutory scheme and by the FEC in practice. The court concluded, therefore, that the Committee's "fears of disclosure of information relating to alleged violations are groundless...."

Plaintiff further claimed that public disclosure of the interim audit report was barred by 2 U.S.C. §437g(a)(12). The court found, however, that this provision applied only to **enforcement** proceedings initiated under the Act (i.e., investigations into alleged violations of the Act); separate provisions spelled out procedures for conducting audits and making repayment determinations with regard to publicly funded Presidential candidates. (See 26 U.S.C. §9007(a) and (b).)

Refuting plaintiff's claim that the Presidential audit information could be disclosed **only** to Congress, the district court affirmed the FEC's argument that such reports must be made public by law. 26 U.S.C. §§9007 and 9009(a). "The public has a right to know, and promptly, how its monies are spent by Presidential campaign committees." Moreover, the court affirmed the FEC's position that the audit report was subject to disclosure under the FOIA.

The district court also dismissed without prejudice plaintiff's petition for a court order requiring the FEC to disclose certain information the Committee had requested under the FOIA. The court found that the Committee had "never specified to the court which documents should be disclosed" and had "not challenged the FEC's assertion" that the FEC had substantially complied with the Committee's requests for information available under the FOIA.

continued

The Commission released the final audit report for the Reagan Bush campaign on December 11, 1981.

KENNEDY FOR PRESIDENT COMMITTEE v.FEC

On December 21, 1981, the U.S. District Court for the District of Columbia issued a consent order resolving claims brought by the Kennedy campaign against the Commission in Kennedy for President Committee v. FEC (Civil Action No. 81-2552). The court dismissed with prejudice all other pending judicial claims between the Kennedy Committee and the Federal Election Commission.

Plaintiff's Claims

In the suit, filed on October 21, 1981, the Kennedy Committee claimed that the FEC had violated the Government in the Sunshine Act (5 U.S.C. S552b) by:

- Considering the final audit report on Senator Edward Kennedy's Presidential primary campaign in executive sessions, which are closed to the public; and
- Failing to indicate in public notices announcing these executive sessions that the FEC would consider the Kennedy audit report. The Kennedy Committee had asked the district court to order the FEC to make available to the Kennedy campaign and the public a tape recording or written transcript (as well as any other documents) pertaining to the FEC's discussion of the audit report.

Resolution of Claims

In the consent order, the FEC agreed to make available to plaintiff and the public portions of the transcript involving the FEC's consideration of the final Kennedy audit report at Commission meetings held on August 25 and 26 and September 15 and 16, 1981. The Commission also agreed to make available documents pertaining to those meetings. Both parties agreed, however, that the Commission could delete from these transcripts discussions related solely to FEC personnel matters, enforcement actions, litigation strategy and matters exempted from public disclosure by the Freedom of Information Act (FOIA). Similarly, the parties agreed that portions of the documents pertaining to those meetings could be withheld pursuant to various exemptions under the Freedom of Information Act .

The consent order expressly conditioned release of the transcripts on the parties' compliance with the following requirements:

- Within 15 days of the order, the FEC would make available an index of deletions in the transcripts and documents to be released. The Kennedy Committee could then object to any deletions in the transcript within 10 days of the index's release. Disputed deletions could **not**, however, delay release of the transcripts or documents.
- Fifteen days after the Committee received the index, the FEC would make available copies of those portions of the transcripts and documents which the FEC determined were not exempt from disclosure.
- Within 20 days of receiving the transcripts and documents, the Kennedy Committee would present to the Commission any objections to deletions in writing.

The FEC, in turn, would notify the Committee of its final determination on any disputed deletions within 20 days.

- The Kennedy Committee could ask the court to review any deletions still in dispute within 15 days of receiving the FEC's final determination on them. In reviewing such claims, the court would limit its consideration to whether the FEC had improperly withheld material from the transcripts.

NCPAC/STAHLMAN v. FEC

On December 8, 1981, the U. S. Court of Appeals for the District of Columbia Circuit issued a memorandum in National Conservative Political Action Committee (NCPAC) and Rhonda K. Stahlman v. FEC (Civil Action No. 80-1949), which dismissed plaintiffs' constitutional challenges to contribution limits. The appeals court's ruling affirmed an earlier decision by the district court in the suit.

Plaintiffs' Constitutional Claims

In their suit, originally filed with the district court in December 1979, plaintiffs NCPAC and Stahlman had challenged the constitutionality of those provisions of the election law that prescribe limits on contributions from individuals, groups and political committees to other individuals, groups and

continued

political committees that make independent expenditures. Plaintiffs had claimed that these provisions define the term "contribution" in overly broad and vague terms. They had asked the district court to certify their constitutional claims to the appeals court, pursuant to 2 U.S.C. §437h.

Rejecting plaintiffs' constitutional claims, the district court had pointed out that, in its Buckley v. Valeo decision, the Supreme Court had upheld the constitutionality of the contribution limits. Buckley v. Valeo, 424 U.S. 1 at 38 (1976). (For a detailed summary of the district court's opinion, see page 7 of the September 1980 Record.)

In appealing the district court's decision, plaintiffs reasserted their constitutional challenges. They also asked the appeals court to find "erroneous" the district court's refusal to certify their challenges to the appeals court.

Appeals Court Ruling

Citing as precedent the Supreme Court's June 1981 decision in California Medical Assoc. (CMA) v. FEC,* the appeals court rejected plaintiffs' constitutional challenges and affirmed the district court's disposition of the case.

The appeals court rejected plaintiffs' assertion that NCPAC was not subject to the CMA decision because it not only made contributions but made independent expenditures as well. The court said the CMA decision did apply because NCPAC's activity was not limited to independent expenditures. Moreover, the court held that limits on NCPAC contributors did not impermissibly infringe on their free speech rights because the contributions constituted "'speech by proxy'" since contributors had no voice in NCPAC's decisions concerning independent expenditures. 101 S.Ct. at 2721-22.

The appeals court also followed precedent set by the CMA decision in rejecting plaintiffs' assertion that unlimited contributions earmarked for NCPAC's independent expenditures would not "...risk corrupting or appearing to corrupt the political process in the manner Congress sought to prohibit." 101 S.Ct. at 2723 n. 19; 494 F. Supp. at 137.

RICHARD B. KAY v. FEC

On December 1, 1981, the U.S. Court of Appeals for the District of Columbia Circuit issued a judgment in Richard B. Kay v. FEC (Civil Action No. 80-3081), which upheld the district court's decision that the FEC's dismissal of a complaint filed by plaintiff had not been contrary to law.

Mr. Kay, who had been a Presidential primary candidate in Ohio, had alleged in his complaint that a full-page chart published in the Cleveland Plain Dealer before the 1980 Ohio Presidential primary was a political advertisement by the publishing company, constituting either a corporate expenditure or a corporate in-kind contribution — both prohibited under the Act. The district court upheld the General Counsel's recommendation that the chart be treated as a news story, exempted from the definitions of contribution and expenditure. 2 U.S.C. §431 (9)(B)(i). (For a detailed summary of the suit, see page 6 of the June 1981 Record.)

READER'S DIGEST ASSOC., INC. v. FEC

On October 30, 1981, the U. S. District Court for the Southern District of New York issued a stipulation and order dismissing Reader's Digest Assoc., Inc. (RDA) v. FEC (Civil Action No. 81 Civ. 596 (PNL)). The court's action followed the Commission's decision to dismiss a complaint filed against plaintiff in August 1980, which had alleged that RDA had violated 2 U.S.C. §441b(a) by distributing a video tape to major media outlets that provided a computer reenactment of Senator Edward Kennedy's automobile accident at Chappaquiddick. The complaint had alledged that the distribution constituted an "illegal corporate expenditure to negatively influence" the 1980 Presidential elections.

RDA's suit had sought a court injunction barring an FEC investigation of the complaint. RDA had asserted that, as a publishing corporation, it was automatically exempt from FEC scrutiny. In an earlier opinion, issued in March 1981, the district court had

continued

---

* For a summary of the Supreme Court's decision in California Medical Assoc. v. FEC, see page 1 of the August 1981 Record.

ruled, however, that the Commission could conduct a limited inquiry into the factual question of whether dissemination of the tapes was within the normal course of RDA's publishing function and therefore covered by the news story exemption. 2 U.S.C. §431(9)(B)(i). In the ensuing investigation, the Commission did not uncover any evidence to suggest that the distribution was outside the scope of RDA's functions as a publisher. In August 1981, therefore, the Commission found no probable cause to believe RDA had violated 2 U.S.C. §441b. (For a detailed summary of the suit, see the May 1981 Record.)

NEW LITIGATION

Kennedy for President Committee v. FEC

Pursuant to 26 U.S.C. §9041(a), plaintiff has petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review an FEC determination to deny certification of a primary matching fund payment to plaintiff. Plaintiff claims the payment was "wrongfully withheld" and seeks a court order directing the Commission to certify the payment.

(U.S. Court of Appeals for the District of Columbia Circuit, Docket No. 81-2403, December 31, 1981.)

FEDERAL REGISTER NOTICES

The item below identifies an FEC document that appeared in the Federal Register on January 27, 1982. Copies of this notice are **not** available from the FEC.

Notice	Title	Date	Citation
1982-1	11 CFR Part 110; Communications: Advertising (Notice of proposed rulemaking)	1/27/82	47 Fed. Reg. 3796

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/8-3

NEWARK PUBLIC LIBRARY
MAR 1 0 1982
U. S. GOVT. PUBS.
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION
RECORD
1325 K Street N.W., Washington, D.C. 20463
Volume 8, Number 3
March 1982

COMPLIANCE

COMMISSION REVISES NONFILER PROCEDURES

On January 21, 1982, the Commission approved revisions to a policy adopted in July 1980 for notifying authorized and unauthorized committees of their reporting obligations under the Act.* (See page 9 of the August 1980 Record.) Under the revised policy, the Commission will notify the authorized committees of those candidates that fail to file pre-election and quarterly reports due just before the election in which the candidate is running. 2 U.S.C. §437g(b). The notice will inform them that their reports have not been received. Under the former policy, the Commission had notified all categories of filers failing to file any report.

Although unauthorized committees and some authorized committees will no longer receive notices, they will continue to be fully liable for failure to file any report required under the Act. (See the reporting requirements of 2 U.S.C. §434.) Moreover, the Commission will continue to send prior notices to **all** political committees, informing them of upcoming reporting obligations in both election and nonelection years. Authorized candidate committees will also receive prior notices informing them of their primary election reporting obligations.

PUBLIC APPEARANCES

Date	Sponsoring Organization
3/5	Hope College Washington Honors Seminar Washington, D.C. Commissioner Joan D. Aikens
3/5	American Bar Association Conference on the FEC Washington, D.C. Frank P. Reiche, Chairman Charles N. Steele, General Counsel
3/19	National Conference of State Legislatures Nashville, Tennessee Charles N. Steele, General Counsel

THE LAW IN THE COURTS

SUPREME COURT DIVIDED IN FEC v. AMERICANS FOR CHANGE

On January 19, 1982, the Supreme Court, in a 4 to 4 split vote, left standing an earlier decision by the U.S. District Court for the District of Columbia in the consolidated cases of FEC v. Americans for Change and Common Cause v. Harrison Schmitt (U.S. Supreme Court Nos. 80-1067 and 80-847).

Section 9012(f) of the Presidential Election Campaign Fund Act permits unauthorized political committees to make expenditures of up to $1,000 to further the election of a publicly funded Presidential candidate. The FEC had asked the district court to uphold the constitutionality of Section 9012(f)'s expenditure limit as applied to Ameri-

continued

---

*The policy adopted in 1980 reflected the 1979 amendments to the federal election law. The Commission originally adopted nonfiler procedures in 1978.

Y3. El 2/3:

cans for Change, Americans for an Effective Presidency and Fund for a Conservative Majority, three multicandidate political committees that had planned to spend large sums in support of the Republican Presidential candidate's general election campaign.

In its opinion of September 30, 1980, a three-judge panel of the district court concluded, however, that the defendants' proposed expenditures constituted "independent expenditures" which could not be limited. (For a detailed summary of the suit, see page 8 of the April 1981 Record.)

REPORTS

CORRECTION

The Monthlv Reports chart on page 4 of the February Record contained incorrect dates for the periods covered by the pre-election and post-election reports. The correct chart appears below.

Monthly Reports

Month	Period Covered	Filing Date
February	1/1 - 1/31	February 20
March	2/1 - 2/28	March 20
April	3/1 - 3/31	April 20
May	4/1 - 4/30	May 20
June	5/1 - 5/31	June 20
July	6/1 - 6/30	July 20
August	7/1 - 7/31	August 20
September	8/1 - 8/31	September 20
October	9/1 - 9/30	October 20
Pre-Election	10/1 - 10/13	October 21
Post-Election	10/14 - 11/22	December 2
Year-End	11/23 - 12/31	January 31, 1983

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent AORs. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-2	Trade association's partisan communications to members. (Date made public: January 22, 1982; Length: 9 pages)
1982-3	Committee formed on behalf of senator to "test the waters" for possible Presidential campaign. (Date made public: January 27, 1982; Length: 6 pages)
1982-4	Costs of renovating campaign headquarters deducted from rent; reporting. (Date made public: February 3, 1982; Length: 2 pages)
1982-5	Financing nonfederal expenses of national party conference. (Date made public: Feburary 10, 1982; Length: 8 pages)
1982-6	Financing noncampaign, public interest committee formed by Congressman. (Date made public: February 12, 1982; Length: 1 page)
1982-7	Company's computerized recordkeeping and reporting service for separate segregated funds. (Date made public: February 16, 1982; Length: 2 pages, plus supplement)
1982-8	Receipt and disbursement of "credit units" by PAC established in commercial barter industry. (Date made public: February 17, 1982; Length: 3 pages, plus supplement)

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (A0) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

A0 1981-49: Contributions and Expenditures in State and Local Elections by Holding Company

Great Western Financial Corporation (GWFC), the parent holding company of Great Western Savings, a federally chartered savings and loan association located in California, may make contributions and expenditures on behalf of candidates for state and local office in California. (California law permits corporate and labor contributions in state and local elections.) GWFC may not, however, use any revenues derived from Great Western Savings' assets when it makes such state and local contributions or expenditures.

Although 2 U.S.C. §441b prohibits Great Western Savings, as a **federally chartered** corporation, from making contributions and expenditures in connection with "**any** election to any political office," this ban does not extend to the holding company since GWFC is not a federally chartered corporation. Section 441b does, however, prohibit GWFC, a corporation, from making contributions and expenditures in connection with **federal** elections. (Date issued: January 29, 1982; Length: 3 pages)

AO 1981-51: Volunteer Services Offered by Foreign Artist to Candidate Committee

An artist who is a foreign national may not donate volunteer services to the Metzenbaum for Senate Committee (the Committee) in order to create original artworks for the Committee. The Committee had planned to reproduce a limited edition of the artworks as fundraising items. It had also planned to absorb all production costs. Section 441e of the Act, however, expressly prohibits foreign nationals from donating "any contribution of money or **other thing of value**" in connection with any election to any political office. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: January 29, 1982; Length: 3 pages, including dissenting opinion)

AO 1981-52: Trade Association's Solicitation of its Unincorporated Members

The National Association of Real Estate Investment Trusts, Inc. (NAREIT), a trade association, may solicit contributions to its separate segregated fund (NAREIT-PAC) from member Real Estate Investment Trusts (REITS) that operate as unincorporated business trusts or associations under their respective state laws. Contributions from unincorporated member REITS are attributable to both the REIT and each person who has a beneficial ownership interest in the REIT.

The solicitation is permissible because NAREIT's unincorporated members are materially indistinguishable from other types of unincorporated members (e.g., partnerships and sole proprietorships) that, under the Act, may be solicited by a trade association. 2 U.S.C. §441b(b)(4)(C); 11 CFR 114.7(c).

In making a contribution to NAREIT-PAC, an unincorporated REIT may attribute the contribution to each REIT investor in direct proportion to his/her interest in the REIT, or it may use an alternative plan agreed on by the investors. 11 CFR 110.1(e). No portion of the REIT's contribution may, however, be attributed to an investor who would be prohibited from making a direct contribution to NAREIT-PAC, i.e., a corporation, labor organization, national bank, government contractor or foreign national. 2 U.S.C. §§441b, 441c and 441e. (Date issued: January 25, 1982; Length: 4 pages)

AO 1981-55: PAC Solicitation of Members of Organization Affiliated with Parent

The American Medical Association Political Action Committee (AMPAC), the separate segregated fund of the American Medical Association (the AMA), may solicit contributions from the members of the American Medical Association Auxiliary, Inc. (the Auxiliary), a nonprofit organization whose membership is limited to spouses of members of the AMA and of the AMA's state affiliates. (See 11 CFR 114.5, 114.7 and 114.1(e).)

AMPAC may solicit Auxiliary members and their families because the Auxiliary is affiliated with AMPAC's parent organization, the AMA. 11 CFR 114.1(e) and 114.8(g). This affiliation is evidenced by the AMA's continuing control and direction over the Auxiliary's policies and practices. For example, the AMA governs the Auxiliary's entire legislative program. 11 CFR 110.3(a)(1)(iii). (Date issued: January 25, 1982; Length: 4 pages)

continued

AO 1981-57: Earmarking Contributions Through Payroll Deduction Plan Conducted by Union PAC

The Coal Miners Political Action Committee (COMPAC), the separate segregated fund of the United Mine Workers of America (UMWA), may implement a payroll deduction plan that would allow UMWA members to earmark contributions for candidates and political committees. COMPAC would then forward the contributions to the recipients designated by members. 2 U.S.C. §§441a(a)(8) and 441b(b)(5); 11 CFR 110.6 and 114.5(1). The contributions earmarked for candidates would not count against COMPAC's own contribution limits, as long as neither UMWA nor COMPAC exercised any control or direction over the members' selection of candidate recipients. This would mean that UMWA and COMPAC would be bound by a member's selection of recipients and would not limit the selection to a particular candidate or group of candidates; and that a member could revoke his/her designation at any time.

The Commission expressly conditioned its approval of the plan on COMPAC's obligation to report contributions earmarked for candidates to the Commission and to the intended recipients, according to the procedures spelled out in Commission Regulations at 11 CFR 102.8 and 110.6. COMPAC would have to report contributions earmarked for **political committees** according to the procedures of 11 CFR 102.8, 104.3(a)(2)(viii) and 104.3(a)(4)(vi). (Date issued: January 27, 1982; Length: 4 pages)

AO 1981-58: Campaign Funds Used For Litigation Involving Congressional Reapportionment

Congressman Don Edwards (D-CA) may use campaign funds to pay legal fees incurred as a result of litigation concerning the issue of Congressional reapportionment in California. Under the Act, candidates and their principal campaign committees have wide discretion in the use of campaign funds, provided the funds are used for lawful purposes.

Litigation related to reapportionment is not considered an election-influencing activity subject to the Act's requirements. Nevertheless, payments from Mr. Edwards' campaign funds to cover litigation fees must be reported as disbursements (rather than expenditures) because, under 2 U.S.C. §434(b) and 11 CFR 104.3(b)(4)(vi), political committees must report all their disbursements.

The Commission expressed no opinion on the application of tax laws or House rules to the litigation payments since they are beyond its jurisdiction. (Date issued: January 25, 1982; Length: 2 pages)

AO 1981-59: Procedures for Transferring Proceeds of Joint Fundraisers by State/Federal PACs

The National Association of Realtors (NAR), a trade association, may use either one of two procedures proposed by NAR (and modified by the Commission) to divide and transfer proceeds raised through joint fundraisers conducted by NAR's separate segregated fund, the Realtors PAC (RPAC), together with each of the State PACs connected respectively with NAR's state affiliates. The two procedures (described below) would allow RPAC to receive at least 40 percent of the joint fundraising proceeds while giving RPAC the option to receive additional proceeds transferred from the State PACs. The additional transfers would not cause the State PACs to become political committees under the Act.

Under the first procedure, RPAC would deposit all joint fundraising proceeds in its account and report the entire amount as contributions. RPAC would notify each contributor that it had charged his/her contribution against the contributor's $5,000 limit for RPAC. RPAC would then transfer an agreed upon portion of the total contributions to the State PAC.

The second procedure would allow RPAC and a State PAC to use an escrow account for the fundraising proceeds. The original solicitation notice would have to:

1. Notify contributors that at least, and possibly more than, 40 percent of each contribution would be forwarded to RPAC and charged against the contributor's limit for RPAC; and

2. Identify which issue of the state affiliate's magazine would provide information concerning the final allocation of contributions between RPAC and the State PAC.

If, subsequent to the fundraiser, RPAC and the State PAC decided to transfer to RPAC more than the 40 percent of the proceeds originally agreed upon, RPAC would be responsible for informing contributors of the reallocation of their contributions. Acting as an agent of RPAC, the State PAC could, however, discharge this duty. Additionally, RPAC would have to monitor individual contributions. If it found that the additional transfers caused a contributor to exceed his/her contribution limit for RPAC, RPAC would have to exclude the excessive amount by either readjusting the formula for allocating the proceeds or refunding the amount in excess of $5,000 to the State PAC.

Under either procedure, the transmittal and reporting of proceeds would be subject to FEC regulations. 11 CFR Parts 102, 103 and 104.

The Commission cautioned that this opinion concerned future transfers of fundraising proceeds to

RPAC--not transfers of funds currently deposited in State PAC accounts. (Date issued: February 5, 1982; Length: 5 pages)

AO 1981-61: Holding Company's Contributions to State Party Committee

Since it is a corporation chartered under **state** law, Commercial Bankstock, Inc., a one-bank holding company, may make contributions to the Arkansas Democratic Party. Its wholly owned subsidiary, Commercial National Bank, may **not**, however, make contributions or expenditures in connection with any election to any political office. 2 U.S.C. §441b(a). The holding Company's contributions are permissible as long as:

1. They do not include funds derived from the operations of National Commercial Bank; and
2. They are not used in connection with any federal election. 2 U.S.C. §441b.

The Commission did not express an opinion on applicable state laws. (Date issued: February 5, 1982; Length: 2 pages)

AO 1982-1: Funds Transferred From 1982 House Campaign to Newly Registered 1982 Senate Campaign

If Congressman James J. Florio should decide to terminate his current 1982 House campaign, he may transfer all the funds of his 1982 House Committee to his authorized committee for a 1982 Senate campaign (the Senate Committee), provided the following conditions are met:

1. Congressman Florio is not actively seeking nomination or election to both the Senate and the House.
2. The Senate Committee ensures that funds transferred do not cause a donor to exceed the donor's limit for the Senate Committee (i.e., $5,000 for a multicandidate committee and $1,000 for any other person, including an individual, partnership or other political committee). 11 CFR 110.3(a)(2)(v) and 110.1(f). The treasurer may do this by reviewing the transferred funds on a "last in, first transferred" basis, beginning with the last contributions received by the House Committee and working back until the amount transferred is reached. Should the review indicate that a contribution made to the House Committee will cause a donor to exceed the donor's limit for the Senate Committee when added to contributions made by the same donor to the Senate Committee, the amount in excess of the limit must be excluded from the transfer. 2 U.S.C. §441a; 11 CFR 110.3(a)(2)(v)(B).

The House Committee should file a termination report with the Clerk of the House once it has liquidated all its debts. 11 CFR 102.3(b). The termination report should refer to the impending transfer of funds to the Senate Committee as a "transfer out." 11 CFR 102.3(b) and 110.1(f). In addition, the Senate Committee should report funds received from the House Committee as contributions from the original contributors. (Date issued: February 5, 1982; Length: 3 pages)

STATISTICS

FEC RELEASES FINAL REPORT ON 1980 PRESIDENTIAL PRIMARY ACTIVITY

Sixteen Presidential contenders raised $108.6 million and spent $106.5 million in seeking their parties' 1980 nominations, according to a comprehensive report released by the FEC on November 15, 1981. These figures have been adjusted to reflect loan repayments, contribution refunds and rebates and transfers to affiliated committees. Of the 16 candidates, 10 received primary matching funds to help finance their primary campaigns.

The statistical study, 1979-80 FEC Report on Financial Activity for Presidential Pre-Nomination Campaigns, covers the period from January 1, 1979, through December 31, 1980. (Information on two campaigns active during 1978 is also included.) The study focuses exclusively on money raised and spent by the 16 candidates in their primary campaigns; no general election information is provided. The candidates, all of whose financial activity exceeded $100,000, included four Democrats, nine Republicans, two Libertarians and one Socialist Workers Party candidate.

The study shows that 67.7 percent of the money raised by the 16 candidates came from individuals. Contributions from nonparty (noncandidate) committees represented only 1.4 percent of total funds raised. Of the 10 campaigns receiving primary matching funds, individual contributions represented 64.8 percent of all money raised; nonparty committee contributions accounted for only 1.4 percent of funds raised and primary matching funds made up 32.8 percent of the funds they received.

Chart I on page 6 compares the funding of the 10 primary matching fund recipients active in 1979-80 with that of the 15 primary matching fund recipients active in 1975-76. In comparing the two election cycles, the difference in the number of campaigns, plus inflation, should be taken into consideration.

continued

In addition to money spent by the candidates, $2.2 million was spent independently by persons and political committees to promote the election of these candidates; just over $.5 million was spent independently to advocate their defeat.

Corporations and membership organizations reported spending $.6 million to make partisan communications to solicitable individuals in support of Presidential primary candidates and $.2 million to oppose them. Approximately $.5 million was spent to promote the nomination of undeclared Presidential candidates (i.e., draft activities).

Chart II below presents an overview of each Presidential candidate's financial activity during the 1979-80 election cycle. The first 10 candidates listed were matching fund recipients. The matching fund figures represent total matching funds reported by the candidates' campaigns through December 31, 1980. The Commission certified additional funds to Carter, Crane and Kennedy in 1981, bringing total matching funds certified to $31.3 billion.

The 1979-80 FEC Report on Financial Activity for Presidential Pre-Nomination Campaigns contains numerous tables on the financial activity of the 16 candidates. Copies are available for $1.00 each from the FEC Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463.

CHART I
ACTIVITY OF 1976 and 1980 PRESIDENTIAL CAMPAIGNS RECEIVING MATCHING FUNDS

	Presidential Primary Campaigns	
	1976	**1980**
Number of Candidates	15	10
Adjusted Receipts	$67.9*	$94.2
Individual Contributions	42.5	61.0
Nonparty Contributions	.8	1.4
Federal Matching Funds	24.3	30.9
Adjusted Disbursements	66.9	92.3

*Figures are in millions of dollars.

CHART II
OVERVIEW OF 1979-1980 PRESIDENTIAL PRIMARY ACTIVITY

	Adjusted Receipts	Individual Contributions	Nonparty Committee Contributions	Matching Funds	Adjusted Disbursements
Brown(D)	$ 2.65*	$ 1.71	$ .04	$ .89	$ 2.65
Carter(D)	18.55	12.93	.46	5.05	18.52
Kennedy(D)	12.29	7.75	.23	3.86	12.27
LaRouche(D)	2.14	1.55	.008	.53	2.15
Anderson(R)	6.63	3.91	.02	2.68	6.52
Baker(R)	7.14	4.20	.13	2.64	7.07
Bush(R)	16.71	10.87	.13	5.72	16.71
Crane(R)	5.24	3.47	.002	1.75	5.22
Dole(R)	1.43	.90	.045	.45	1.39
Reagan(R)	21.39	13.76	.285	7.29	19.82
SUBTOTAL	$ 94.17	$61.05	$1.35	$30.86	$ 92.32
Connally(R)	$ 12.72	$11.64	$ .205	$ 0	$ 12.62
Fernandez(R)	.25	.19	.002	0	.25
Strassen(R)	.11	.006	0	0	.12
Clark(L)**	1.09	.57	0	0	1.02
Hunscher(L)	.15	.01	0	0	.10
Pulley(SWP)***	.13	.10	0	0	.12
GRAND TOTAL	$108.62	$73.57	$1.56	$30.86	$106.55

*Figures are in millions of dollars.
**Libertarian Party
***Socialist Workers Party

FEC REPORTS ON INDEPENDENT SPENDING FOR PRESIDENTIAL ELECTION YEAR

Independent expenditures made during the 1979-80 election cycle by nonparty (noncandidate) committees, individuals and other groups topped $16 million, according to a study released by the Federal Election Commission on November 29, 1981. Thirty-three individuals spent a total of $1.2 million in independent expenditures; 105 nonparty committees spent $14.1 million; and 80 other groups spent $.7 million. Under the federal election law, individuals or groups may spend unlimited funds advocating the election or defeat of federal candidates as long as these expenditures are made independently, i.e., without cooperation or consultation with the candidate or his/her campaign. (See 2 U.S.C. §431(17) and 11 CFR 100.16 and 109.1(a).)

Out of the $16 million total, $13.7 million was spent to influence the outcome of Presidential elections in 1980. (This contrasts with $1.6 million spent in independent expenditures during the 1976 Presidential elections.) Independent expenditures made on behalf of Ronald Reagan accounted for 89 percent of the total spent to influence Presidential elections. Only one-fifth of the Presidential expenditures ($2.7 million) were made during the primary season; the rest of the independent expenditures were made during the general election period.

Independent expenditures for and against House candidates totaled $684,727. Spending to influence Senate races totaled $1.7 million. By contrast, independent expenditures on behalf of Congressional candidates in the 1976 elections amounted to approximately $400,000, split almost evenly between House and Senate races.

The study shows that $2.2 million was spent advocating the defeat of 65 candidates. This negative spending represented only 14 percent of the total spent. However, in the case of Senate campaigns, negative spending amounted to 78 percent of the independent expenditures made.

Chart I below lists the candidates for or against whom the most money was spent. Chart II and Chart III (page 8) list those individuals and political committees who made the largest independent expenditures during 1979-80.

The 1979-80 FEC Index of Independent Expenditures is available for $5 from the Commission's Public Records Office, 1325 K Street, N. W., Washington, D.C. 20463.

CHART I
CANDIDATES FOR OR AGAINST WHOM INDEPENDENT EXPENDITURES WERE MADE

Candidate	Expenditures Advocating Election	Expenditures Advocating Defeat
Presidential		
Ronald Reagan(R)	$12,246,057	$ 47,868
Edward Kennedy(D)	77,189	491,161
Jimmy Carter(D)	45,869	245,611
John Connally(R)	288,032	-
John Anderson(I)	199,438	2,635
Senate		
Frank Church(D-ID)	$ 1,945	$ 339,018
John Culver(D-IA)	59,584	186,613
George McGovern (D-SD)	3,553	222,044
Alan Cranston(D-CA)	2,285	192,039
Birch Bayh(D-IN)	1,027	180,723
Thomas Eagleton (D-MO)	22,910	101,794
House		
Robert Edgar (D-PA)	$ 39,182	$ 30
Jack Fields(R-TX)	38,376	-
Carey Peck(D-CA)	37,734	-
Harold Sawyer (R-MI)	14,219	13,912
Charles Grassley (R-IA)	27,799	-
Harold Volkmer (D-MO)	26,917	-
Robert Drinan (D-MA)	-	23,147
W.J. "Billy" Tauzin (D-LA)	22,535	-

CHART II
INDEPENDENT EXPENDITURES BY INDIVIDUALS

Individual	Amount Spent
Cecil R. Haden	$599,333
Stewart Rawlings Mott	110,179
Norman Lear	108,301
Richard M. DeVos	70,575
Jay Van Andel	68,433
Theo N. Law	66,230
David M. Melville	35,159
Henry C. Grover	29,076
Michael Rosen	25,940
Dwight G. Vedder	20,000

continued

CHART III
INDEPENDENT EXPENDITURES BY POLITICAL COMMITTEES

Political Committee	Amount Spent
Congressional Club	$4,601,069
National Conservative Political Action Committee	3,307,962
Fund for a Conservative Majority	2,062,456
Americans for an Effective Presidency	1,270,208
Americans for Change	711,856
NRA Political Victory Fund	441,891
Christian Voice Moral Government Fund	406,199
1980 Republican Presidential Campaign Committee	314,740
American Medical Political Committee	172,397
Gun Owners of America Campaign Committee	119,891

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between January 20 and February 10, 1982. Final audit reports are available to the general public through the Office of Public Records.

1. League of Conservation Voters (Final Audit Report released January 27, 1982)
2. Carter/Mondale Re-Election Committee, Inc. (Addendum to the Final Audit Report released February 10, 1982)

INFORMATION

MICROFILMED AGENDA ITEMS AVAILABLE

During January 1982, the Commission announced the availability of microfilm cartridges containing all agenda items discussed in open sessions from 1975 through 1980. There is a cartridge for each year, with all sessions arranged chronologically. Individual agenda items may be located with the help of a computerized subject index.

The microfilmed documents are available for review and copying in the FEC's Public Records Office. For further information, call 523-4181 or toll free 800/424-9530.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/8-4

NEWARK PUBLIC LIBRARY
APR 16 1982
U. S. GOVT. PUBS.
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 4

April 1982

REPORTS

REPORTS DUE IN APRIL

The following paragraphs explain the reporting schedule for the various categories of filers that have reports due in April.

Quarterly Filers

Authorized candidate committees active in 1982 elections, as well as authorized Presidential committees and unauthorized committees that have chosen to file on a quarterly (rather than a monthly) basis, are required to file a quarterly report, due by April 15. The report should cover all activity from January 1 (or from the closing date of the last report filed in 1982 or from the date of registration, whichever is later) through March 31.

Note: Authorized candidate committees not active in 1982 elections (i.e., committees authorized by candidates who ran for federal office prior to 1982 or candidates who are involved in future elections) are not required to file quarterly reports in 1982. Instead, they must file a semiannual report, due by July 31.

Monthly Filers

Unauthorized committees and authorized Presidential committees that have chosen to file on a monthly basis must file their March monthly report by April 20. The report should cover all activity from March 1 (or from the closing date of the last report filed in 1982 or from the date of registration, whichever is later) through March 31.

Unauthorized committees that wish to change their reporting schedule (from monthly to quarterly or from quarterly to monthly) must notify the Commission of their intention. The committee may notify the Commission by a letter submitted with the next report due under its old schedule. A committee may not change its filing frequency more than once a year. 11 CFR 104.5(c). The FEC also requests that Presidential committees inform the Commission in writing if they decide to change their reporting schedule.

Reporting forms and additional information have been sent to all registered committees, alerting them to their reporting requirements. Questions and requests for additional forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent AORs. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-9	Portion of honorarium given to charity exempted from individual honorarium limit. (Date made public: February 19, 1982; 1 page)
1982-10	Contributions by wholly owned U.S. subsidiary of foreign corporation in connection with state and local elections. (Date made public: February 23, 1982; 8 pages, plus supplement)
1982-11	Solicitation by professional association PAC through voluntary check-off on dues statements to members. (Date made public: February 23, 1982; 2 pages)

continued

Y 3. El 2/3:

AOR	Subject
1982-12	National trade association's solicitation of organizational members' individual members. (Date made public: February 24, 1982; 3 pages, plus supplement)
1982-13	Partnership contributions. (Date made public: February 25, 1982; 6 pages)
1982-14	Activity by state party committee to influence Congressional reapportionment. (Date made public: March 5, 1982; 3 pages)
1982-15	Legal service ads sponsored by firm whose partner may be a candidate. (Date made public: March 5, 1982; 2 pages)
1982-16	Party/fundraiser for unsuccessful candidate financed by his publisher. (Date made public: March 8, 1982; Length: 1 page)
1982-17	State party committee's deposit of state public funds in federal account. (Date made public: March 8, 1982; Length: 2 pages)
1982-18	Corporate PAC's solicitation of solicitable class of affiliated corporations. (Date made public: March 9, 1982; Length: 4 pages)
1982-19	Testing the waters for potential Presidential candidacy; volunteer activity related to testing-the-waters activity. (Date made public: March 9, 1982; 10 pages)
1982-20	Marketing firm's purchase of media time for both candidates and independent organization advocating candidates' election or opponents' defeat. (Date made public: March 12, 1982; 2 pages, plus supplement)

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (A0) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1981-53: Campaign's Sale of Mailing List to Corporation

The purchase of a mailing list by Professional Data Processing Corporation from the Bill Frazier for Congress Committee (the Committee) would not result in a prohibited contribution to the Committee provided:

1. The sale price ($4,000) represented the "fair market value" (i.e., "the usual and normal charge") for the list in Indiana (11 CFR 100.7(a)(1)(iii)); and
2. The Committee developed the list for its own use rather than as a fundraising item to be sold to others. (Date issued: February 19, 1982; Length: 2 pages)

AO 1981-54: PAC Established by Joint Venture Partnership; Solicitations by Member Corporations

The American Satellite Company (ASC), a joint venture partnership sponsored by the wholly owned subsidiaries of Fairchild Industries, Inc. (Fairchild) and Continental Telephone Corporation (Continental), may not establish a separate segregated fund or any other kind of political committee to solicit its employees. Nor may the separate segregated funds of Fairchild and Continental solicit ASC employees.

The ASC partnership may not sponsor a separate segregated fund because, under the Act, only a corporation, labor organization, incorporated membership organization, cooperative or a corporation without capital stock may pay the costs of establishing a separate segregated fund without making a contribution to the fund. Furthermore, since a partnership's contributions are attributable to each of its partners, and since both of ASC's partners are corporations, any expenditures

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

ASC makes in connection with a federal election would be considered corporate contributions prohibited by 2 U.S.C. §441b.

A group of ASC executives or other employees could, however, establish a political committee completely independent of ASC. Although ASC could not contribute to the committee, it could allow ASC employees to provide legal and accounting services to the committee during regular work hours, but solely for the purpose of ensuring the committee's compliance with the Act. 2 U.S.C. §431(8)(B)(ix); 11 CFR 100.7(b)(14) and 114.1(a)(2)(vii).

The separate segregated funds of Fairchild and Continental may not solicit ASC employees because there is no evidence that ASC, Fairchild and Continental have the type of relationship, suggested in earlier advisory opinions, under which a corporation may solicit employees of its subsidiaries or affiliates.

Since ASC may not establish a separate segregated fund and since the Continental and Fairchild separate segregated funds may not solicit ASC employees, the Commission did not address the question of whether contributions made by an ASC employee to their funds would be subject to a single limit. (Date issued: February 26, 1982; Length: 5 pages)

AO 1981-60: Solicitation Letters Forwarded by Citizen to Other Individuals

Mr. Robert Bearce may forward to other individuals solicitation letters he receives from candidates and from unauthorized committees. Before sending an original solicitation letter, he plans to type a message on it, urging the recipient to contribute to the candidate or unauthorized committee and to forward the letter to another potential supporter. Mr. Bearce will undertake this activity on his own and not at the request of the solicitors. Costs he incurs in forwarding letters from candidates would constitute in-kind contributions subject to the $1,000 per election, per candidate limit. 2 U.S.C. §441a(a)(7). Costs he incurs in forwarding letters from **unauthorized** committees would not be contributions, provided Mr. Bearce does not coordinate the distribution of the letters with any of the committees or their agents. (Date issued: February 26, 1982; Length: 2 pages)

PUBLIC APPEARANCES

Date	Sponsoring Organization
4/5	California Bar Association Political Law Committee Berkeley, California Charles N. Steele, General Counsel
4/5	Hastings Law School Election Law Class San Francisco, California Charles N. Steele, General Counsel
4/6	University of California Election Law Class Berkeley, California Charles N. Steele, General Counsel
4/6	University of San Francisco Election Law Class San Francisco, California Charles N. Steele, General Counsel
4/20	Brookings Institution Seminar on Campaign Finance Washington, D.C. Chairman Frank P. Reiche

THE LAW IN THE COURTS

FEC v. COMMITTEE FOR BETTER GOVERNMENT

On February 10, 1982, the U.S. District Court for the Southern District of Illinois issued a consent order in FEC v. Committee for Better Government (Civil Action No. 80-5356). In signing the order, the defendant committee and its connected organization, Densmore Sales and Service, Inc., acknowledged that they had violated 2 U.S.C. §441b(a) by respectively accepting and making prohibited corporate contributions between July 25, 1978, and March 7, 1979. The district court noted that the Committee for Better Government had refunded the contributions (totaling $3,000) to Densmore Sales and Service, Inc. after being notified of their illegality by the FEC.

The Committee for Better Goverment agreed to accept no further corporate contributions and Densmore Sales and Service, Inc. agreed to make no further contributions in connection with federal elections. The court also enjoined the defendants from any further violations of the election law.

continued

NEW LITIGATION

FEC v. Massachusetts Citizens For Life, Inc.

The FEC asks the district court to find that the defendant, a nonprofit Massachusetts corporation, violated 2 U.S.C. §441b(a) by making prohibited corporate expenditures in connection with 1978 federal elections. The FEC claims the defendant incurred these expenditures by preparing, printing and distributing pamphlets that advocated the election of antiabortion candidates.

(U.S. District Court for the District of Massachusetts, Docket No. 82-0609, March 1, 1982.)

FEC v. Nick Mastorelli Campaign Fund

The FEC asks the district court to declare that the Mastorelli Campaign and its treasurer violated provisions of the election law by:

1. Failing to file reports required for the 1978 election year and the semiannual reports required for 1980 and thereafter (2 U.S.C. §434a);
2. Accepting contributions in 1978 from four corporations (2 U.S.C. §441b(a));
3. Accepting excessive contributions, in the form of a loan, from three individuals (2 U.S.C. §441a(f)); and
4. Accepting $21,050 in excessive cash contributions in 1978 (2 U.S.C. §441a(f)).

The FEC also asks the district court to find that certain contributors to the Mastorelli Campaign violated the election law by:

1. Making cash contributions in excess of $100 to the campaign (2 U.S.C. §441g); and
2. Making contributions in the name of another (2 U.S.C. §441f).

(U.S. District Court for the District of New Jersey, Docket No. 82-0774F, March 10, 1982)

CHANGE OF ADDRESS

Political Committees

Registered political committees are automatically sent the Record. Any change of address by a registered committee must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization) and filed with the Clerk of the House, the Secretary of the Senate or the FEC, as appropriate.

Other Subscribers

Record subscribers (who are not political committees), when calling or mailing in a change of address, are asked to provide the following information:

1. Name of person to whom the Record is sent.
2. Old address.
3. New address.
4. Subscription number. The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/8-5

NEWARK PUBLIC LIBRARY
MAY 13 1982
U. S. GOVT. PUBS
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 5 May 1982

INFORMATION

FEC HOLDS CAMPAIGN FINANCE SEMINAR IN WASHINGTON

On April 2, 1982, the Commission held an all-day seminar on the election law for Senate and House candidates. Among those attending the seminar in Washington, D.C., were campaign staff and consultants, Congressional staff and members of the press. Subjects discussed at the morning session, opened by Commission Chairman Frank P. Reiche, included: campaign support available to candidates; contribution limits and prohibitions; recordkeeping requirements; and procedures for filling out reports. The afternoon session, opened by Commissioner John Warren McGarry, focused on: campaign finance problems to be avoided; advisory opinions relevant to Congressional campaigns; and complaint, audit and other legal procedures.

The Commission scheduled two additional seminars, which were held in Washington, D.C., on April 23 and 26.

PUBLIC APPEARANCES

Date	Sponsoring Organization
5/13-14	Practicing Law Institute The Corporation in Politics Washington, D.C. Commissioner Joan D. Aikens Charles N. Steele, General Counsel N. Bradley Litchfield, Assistant General Counsel
5/19	American University Students The FEC and the Federal Election Campaign Act (FECA) Washington, D.C. Commissioner John Warren McGarry
5/21	Hope College Students The FEC and the FECA Washington, D.C. Commissioner Joan D. Aikens
5/25	Federal Bar Association and the American Society of Association Executives The FEC and the FECA Washington, D.C. Kenneth Gross, Associate General Counsel Thomas Josefiak, Special Deputy to the Secretary of the Senate for the FEC

STATISTICS

FEC REPORTS ON 1979-80 ACTIVITY OF MAJOR POLITICAL PARTIES

The FEC has released final figures on spending reported by the major political parties during the 1979-80 election cycle. The FEC study showed that Republican Party committees at the national, state and local levels reported spending almost five times as much, and raising four and one-half times as much, money as their Democratic counterparts. Spending by Republican Party committees in 1979-80 was nearly double that of 1977-78.

Republican Party committees began the 1979-80 election cycle with $2 million. They raised an additional $169.5 million and spent $161.8 million. Of the total spent, the Republicans contributed $4.5 million to federal candidates and spent an additional $12.4 million on their behalf in the 1980 general election. (Under the election law, a political party's national and state party commit-

continued

Y 3. El 2/3:

tees may make limited, coordinated expenditures on behalf of their candidates in the general election. These expenditures are in addition to contributions allowed for the general election. 2 U.S.C. §441a(d).)

Beginning the election cycle with $.7 million, Democratic Party committees raised $37.2 million during 1979-80. They spent $35 million. Of this total, the Democrats contributed $1.7 million to candidates' campaigns and spent an additional $4.9 million on their behalf in the general election.

The FEC study showed a significant drop in the total number of party committees registered with the FEC, particularly state and local committees. For example, 585 state and local committees were registered during 1979-80 as compared with 744 committees registered in 1977-78. The reduction may be attributed, in part, to the 1979 election law amendments, which relaxed registration requirements for state and local party organizations in order to encourage their grassroots activities.

The Commission's statistical information is based on the FEC 1979-80 Report on Financial Activity -- Final Report, a comprehensive, campaign finance study of major party and nonparty, noncandidate committees. The four-volume study is currently out of print but will be available in June for $5 per volume from the FEC's Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463. Computer tapes of the study are also available from the FEC's Data Systems Development Division. See article below.

1980 CAMPAIGN STATISTICS AVAILABLE ON COMPUTER TAPES

During March, the Commission announced the availability of computer tapes covering the 1980 campaign finance activities of Presidential primary candidates, candidates for the U.S. Senate and House, the Democratic and Republican parties, and nonparty, noncandidate political committees. The Commission made the tapes available for purchase after it had published printed volumes covering the same information (i.e., the 1979-80 Reports on Financial Activity). It had released final statistics on the 1980 Presidential primary campaigns on November 15, 1981; party and nonparty, noncandidate activity on February 21, 1982; and 1980 Senate and House campaigns on March 7, 1982. Prices for the tapes are: party information, $65; U.S. Senate and House information, $65; Presidential primary information, $80; and nonparty, noncandidate information, $70. (These fees do not include expedited shipping charges.)

Potential purchasers unfamiliar with the kinds of information available on the tapes may first wish to buy the documentation booklet that accompanies each tape. The prices for the booklets are: $2.85 for U.S. Senate and House information; $2.70 for Presidential primary information; and $2.75 for party and nonparty, noncandidate information. The booklets and tapes may be purchased through the Commission's Data Systems Development Division, 1325 K Street, N.W., Washington, D.C. 20463. Checks should be made payable to the FEC. For more information, contact the Data Systems Development Division by calling 202/523-4020 or toll free 800/424-9530.

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-21	Contribution by PAC to another PAC as indicative of affiliation. (Date made public: March 16, 1982; Length: 2 pages, plus supplement)
1982-22	Single contribution limit for campaigns waged in two Congressional districts. (Date made public: March 17, 1982; Length: 2 pages)
1982-23	Remaining funds of terminating committee contributed to party committee for specific (but unidentified) candidate. (Date made public: March 23, 1982; Length: 1 page)

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

AOR	Subject
1982-24	Campaign funds raised through sale of artworks consigned by artists. (Date made public: March 23, 1982; Length: 1 page)
1982-25	Campaign disbursement made through electronic transfer of funds from campaign depository to vendor. (Date made public: March 24, 1982; Length: 1 page)
1982-26	Status of member municipal utilities as "corporations" from whom trade asssociation must obtain prior approval to solicit their employees. (Date made public: March 24, 1982; Length: 8 pages)
1982-27	Host city's financing of Presidential nominating convention from fund containing corporate donations. (Date made public: March 25, 1982; Length: 12 pages, plus supplement)
1982-28	Status of corporation organized under Alaska Native Claims Settlement Act as "corporation" under the Act. (Date made public: March 26, 1982; Length: 14 pages)
1982-29	Payroll deduction plan for corporation's subsidiaries. (Date made public: March 30, 1982; Length: 1 page)
1982-30	Discount coupon books sold by vendor to campaign as fundraising item. (Date made public: April 7, 1982; Length: 1 page)

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (A0) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1981-56: PAC Established by Partnership Of Three Corporations

Satellite Business Systems (SBS), a partnership composed of three unrelated corporations, may not defray the expenses of establishing a separate segregated fund to solicit contributions from its employees.

Under the Act, only a corporation, labor organization, cooperative or a corporation without capital stock may pay the costs of establishing a separate segregated fund. SBS does not fall into any of these categories. Moreover, since SBS's partners are all corporations, and since partnership contributions are attributable to each partner, SBS may **not** lawfully use its partnership funds to establish and maintain any type of political committee. 2 U.S.C. §441b(a) and 11 CFR 110.1(e).

Each of SBS's corporate partners (or its respective sponsoring organization) could, however, sponsor a separate segregated fund and solicit contributions from its stockholders, executive and administrative personnel and their families. 2 U.S.C. §441b(b)(4)(A)-(B). Moreover, SBS's employees could establish a political committee completely independent of SBS. Although SBS could not contribute to the SBS employees' committee, it could allow SBS employees to provide free legal and accounting services to the committee during regular work hours, but solely for the purpose of ensuring the committee's compliance with the Act. 2 U.S.C. §431(8)(B)(ix); 11 CFR 100.7(b)(14) and 114.1(a)(2)(vii).

The Commission was unable to decide, by an affirmative vote of four Commissioners, the two remaining questions posed by SBS:

1. Whether SBS, as a member of a trade association, could solicit contributions for the trade association's separate segregated fund from all (or a portion) of SBS's employees; and
2. Whether the trade association could solicit SBS's executive and administrative personnel. (Date issued: March 15, 1982; Length: 4 pages)

AO 1982-2: Trade Association's Partisan Communications to Members

Partisan communications that the National Radio Broadcasting Association (NRBA), a trade association, sends to its members would constitute neither contributions nor expenditures under the Act. Accordingly, NRBA would not have to establish a separate segregated fund to make the partisan expenditures; nor would they cause NRBA to become a political committee under the Act.

NRBA plans to send letters to both its individual members and the individual representatives of its corporate members urging them to vote for, and contribute to, certain federal candidates. The mailings are permissible under Section 114.3(c)(1) of Commission Regulations because the letters:

1. Will be produced at NRBA's expense;
2. Will be an expression of NRBA's views rather than a reproduction of materials produced by a candidate; and
3. Will not facilitate the making of contributions to candidates endorsed by NRBA.

continued

Moreover, NRBA may send the partisan communications to both its active members (i.e., businesses licensed by the Federal Communications Commission to operate commercial radio stations) and its associate members (i.e., entities licensed to operate noncommercial stations). Both groups qualify as "members" under Commission Regulations because they have interests and rights in NRBA, participate in the direction of NRBA and provide regular financial support to it. 11 CFR 114.1(e). (Date issued: March 26, 1982; Length: 6 pages)

AO 1982-3: Testing-the-Water Activities of Potential Presidential Candidate

Senator Alan Cranston (D-CA) may authorize the formation of an exploratory committee (the Committee) to evaluate his potential as a 1984 Democratic Presidential candidate. The activities the Committee plans to undertake (see below) would constitute testing-the-water activities and, as such, would be exempted from the Act's definitions of "contribution" and "expenditure." 11 CFR 100.7(b)(1) and 8(b)(1).

Senator Cranston will make no decision on his potential candidacy until the Committee has completed its exploratory work and reported its recommendations to him in late 1982 or early 1983. The Committee does not intend to purchase general public political advertising (e.g., ads in newspapers or broadcast media) or to raise any funds for a future campaign (should the Senator decide to become a candidate). Under these circumstances, funds raised and spent by the Committee to test the waters would not be considered contributions or expenditures as long as circumstances indicated Senator Cranston had **not** moved beyond the process of deciding whether or not to become a candidate and into the process of planning and scheduling public activities designed to heighten his political appeal to the electorate. In this regard, activities conducted over an extended period might suggest that the candidate had moved beyond the process of deciding whether or not to become a candidate and into active campaigning. (See AO 1981-32.)

The Committee plans the following activities to test the waters:

1. Travel for the purpose of speaking to groups on public issues and meeting with opinion makers to determine whether support exists for Senator Cranston's candidacy for President.
2. Reimbursement of expenses incurred by the Senator and others for testing-the-water activities, including expenses that could become contributions to a future campaign committee if they were not reimbursed.
3. Hiring independent contractors for polling, political consulting, communications and research related to testing the waters.
4. Compiling information on persons who indicate an interest in Senator Cranston's candidacy.
5. Organizing advisory groups on critical issues that require expert knowledge.

Should Senator Cranston decide to become a candidate, all receipts and disbursements made by his exploratory committee for testing-the-water activities would become "contributions" and "expenditures" subject to the reporting requirements, limits and prohibitions of the Act. 11 CFR 100.7(b)(1) and (8)(1); 101.3. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: March 15, 1982; Length: 6 pages, including dissent)

AO 1982-9: Portion of Honorarium Given to Charity

Senator Bob Dole may accept $2,000 of a $5,000 honorarium for a speaking engagement and ask the host organization to pay the remaining $3,000 to a charitable organization it selects from a list of five or more charitable organizations furnished by Senator Dole. Since, under the Act, the honorarium limitation ($2,000 per appearance) is triggered only when an honorarium is actually accepted, that portion given to charity would not count against the limit.

The Commission expressed no opinion on applicable Senate rules or tax laws since they are not within its jurisdiction. (Date issued: March 18, 1982; Length: 2 pages)

A0 1982-10: Contributions and Expenditures in Connection with Nonfederal Elections by Wholly-Owned Subsidiary of Foreign Corporation

Syntex USA, a wholly owned subsidiary of the Syntex Corporation (Syntex-Panama), a foreign corporation, may make contributions and expenditures in connection with state and local elections provided:

1. Syntex USA's proposed contributions and expenditures comply with applicable state and local laws; and
2. No director or corporate officer of Syntex USA or Syntex-Panama who is a foreign national participates in decisions regarding Syntex USA's contributions and expenditures.

Section 441e of the Act prohibits foreign nationals from making contributions in connection with elections to **any** political office. This ban would not, however, extend to Syntex USA's proposed activities because, as a corporation organized under Delaware law with its principal place of business in California, Syntex USA is a domestic -- rather than a foreign -- corporation. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: March 24, 1982; Length: 4 pages, including dissent)

AO 1982-11: Trade Association PAC's Combined Dues Collection/Political Contribution Plan

The American Chiropractic Association Political Action Committee (the Committee), the separate segregated fund of the American Chiropractic Assoc. (ACA), may solicit contributions from ACA members through a combined dues payment/political contribution plan. Under this plan, members may check a box on their dues statement to designate a voluntary contribution to the Comittee. The solicitation statement must notify members that they may contribute more or less than the suggested amount and that ACA will not favor or disadvantage any member because of the amount contributed or a decision not to contribute. The voluntary combined plan is permissible, provided:

1. No portion of a contributing member's dues is used directly, or indirectly, as his or her contribution;
2. Combined dues payments and political contributions from individuals with incorporated professional practices are drawn on an individual account or on a nonrepayable drawing account that the individual maintains with his/her corporation; and
3. Contributions received by ACA are forwarded to the Committee to be recorded and deposited according to the provisions of 2 U.S.C. §432(b)(2) and 11 CFR 102.8(b)(1). (Date issued: March 26, 1982; Length: 3 pages)

AO 1982-16: Combined Fundraiser/Author's Party Financed by Publishing Corporation

Bantam Books, a publishing corporation, may not finance a combined fundraiser and author's party for Mark Green, an unsuccessful Congressional candidate from New York whose book is being published by Bantam.

Mr. Green had proposed using proceeds from the party (raised by charging a $25 admission fee) to help retire debts remaining from his 1980 Congressional campaign. By paying for the party, Bantam would have been providing a valuable service (i.e., contribution) to Mr. Green's campaign. Under the Act, corporations are prohibited from making contributions in connection with federal election activity, including campaign debt retirement activity. 2 U.S.C. §441b(a). (Date issued: April 5, 1982; Length: 2 pages)

AO 1982-22: Single Contribution Limit for Campaigns Waged in Two Congressional Districts

Campaigning for election to the House of Representatives, Mr. Steve Bartlett is considered, under the Act, a primary candidate for **one** federal office even though he changed his primary campaign from Texas' Fifth Congressional District to the Third Congressional District during the same election cycle. This means that Mr. Bartlett does not have to establish a new campaign committee but may continue to use the campaign committee originally designated when he was campaigning in the Fifth Congressional District. Furthermore, contributions to both campaigns are subject to a single per candidate, per election limit. 2 U.S.C. §441a(a)(1) and (2); 11 CFR 110.8(d)(11).

Mr. Bartlett withdrew his candidacy for election from the Fifth Congressional District and declared his candidacy for the Third Congressional District as the result of a court-mandated redistricting plan in Texas. Contributions to Mr. Bartlett are subject to one election limit because:

1. Neither the Act nor the Commission's Regulations identify Congressional seats as separate federal offices (2 U.S.C. §431(3); 11 CFR 100.4); and
2. Those portions of the U.S. Constitution and federal law that provide for the election of U.S. Representatives indicate that each Congressional seat within a state does not constitute a separate federal office. Rather, they define the office of U.S. Representative in terms of the **state** the office represents, not the geographical boundaries of a Congressional district. (See also 14th Amendment to the Constitution; 2 U.S.C. §§2a, 2b and 2c; and McPherson v. Blacker, 146 U.S. 1, 26 (1892).) (Date issued: April 5, 1982; Length: 4 pages)

FEDERAL REGISTER NOTICES

The items below identify FEC documents that appeared in the Federal Register on April 8 and April 13, 1982. Copies of the notices are available in the Public Records Office.

Notice	Title
1982-2	11 CFR, Part 110: Honoraria; Removal of Limitation (Date published: April 8, 1982; Citation: 47 Fed. Reg. 15098)
1982-3	Filing Dates for California Special Primary and General Elections (Date published: April 13, 1982; Citation: 47 Fed. Reg. 15898)

THE LAW IN THE COURTS

BREAD POLITICAL ACTION COMMITTEE v. FEC

In an opinion issued on March 8, 1982, in Bread Political Action Committee v. FEC (Supreme Court No. 80-1481) the Supreme Court ruled that plaintiffs, the National Lumber and Building Dealers Assoc. and the National Restaurateurs (two trade associations) and the Bread Political Action Committee, the Restaurateurs Political Action Committee and the Lumber Dealers Political Action Committee (three separate segregated funds), lacked standing to bring suit under 2 U.S.C. §437h, which allows for expedited handling of constitutional challenges to the Act and a right of direct appeal to the Supreme Court. The Court remanded the suit to the appeals court without ruling on the plaintiffs' constitutional challenges to 2 U.S.C. §441b(b)(4)(D), a provision of the election law requiring trade associations to obtain the prior approval of their member corporations to solicit the corporations' stockholders, executive and administrative personnel and their families. The Court's ruling overturned a decision by the appeals court for the Seventh Circuit while upholding an earlier decision by the Northern Illinois district court.*

The Court ruled that plaintiffs lacked standing to bring suit under Section 437h because they did not fall within the three categories of qualified plaintiffs enumerated in the provision: i.e., the national committee of a political party, individuals eligible to vote in Presidential elections and the FEC. The Court held that "the plain language of §437h controls its construction, at least in the absence of 'clear evidence,'...of a 'clearly expressed legislative intention to the contrary....'" The Court concluded that "the appellants, however, fall far short of providing 'clear evidence' of a 'clearly expressed legislative intention' that the unique expedited procedures of §437h be afforded to parties other than those belonging to the three listed categories."

Nor did the Court find merit to plaintiffs' argument that, since Congress had expressly extended the judicial review procedures of §437h to cover all constitutional questions about any provision of the Act, Congress had also intended to broaden the categories of plaintiffs eligible to file suit under §437h. Moreover, the Court refuted plaintiffs' contention that, while Congress had specified three eligible classes of plaintiffs to remove any doubts about their standing to bring suit, it had not intended to exclude other classes of plaintiffs. To the contrary, the Court concluded that Congress "went to the trouble of specifying that only two precisely defined types of artificial entity and one class of natural persons could bring these actions." The Court noted, however, that its ruling did not affect the right of parties involved in FEC enforcement actions to challenge, under 2 U.S.C. §437g, the constitutionality of any provision of the Act and to be afforded expedited review.

DOLBEARE, ET AL. v. FEC

On March 11, 1982, the U.S. District Court for the Southern District of New York issued a ruling granting a preliminary injunction to the plaintiffs in Dolbeare, et al. v. FEC (Civil Action No. 4468-CLB).

Plaintiffs' suit challenged pending FEC investigations of various activities with respect to the Citizens for LaRouche Committee (the LaRouche campaign), Lyndon H. LaRouche's principal campaign committee for the 1980 Presidential primaries. The LaRouche campaign claimed that the statutory provision authorizing the investigations (2 U.S.C. §437g(a)(2)) was unconstitutional as applied to the LaRouche campaign because it placed no limits on the time for completing the investigations. Moreover, the LaRouche campaign alleged that the FEC had undertaken the investigations to harass the campaign. Furthermore, the investigations had had a chilling effect on the free association rights of the campaign's contributors. The LaRouche campaign also claimed that, in conducting its investigations, the FEC had gone beyond the prescribed scope for FEC investigations.

The FEC sought dismissal of the suit on jurisdictional grounds. Primarily, the FEC claimed that the suit was not justiciable because, under 2 U.S.C. §437g(a), an agency has the discretion to decide whether there is "reason to believe" the Act has been violated and whether an alleged violation should be investigated. The FEC also argued that, pursuant to the Supreme Court's decision in Federal Trade Commission v. Standard Oil of California, such initial agency determinations are not final and thus not ripe for judicial review in a federal court. Moreover, the FEC said that §437h provides jurisdiction only for claims of statutory unconstitutionality, not for claims that a statute is unconstitutional as applied. Furthermore, the FEC argued that the LaRouche campaign's claim that the FEC's investigations would have a long-term chilling effect on their political activities did not meet the test for immediate injunctive relief--evidence of "specific present objective harm or a threat of specific future harm..." (Laird v. Tatum, 408 U.S. 1, 13-14 (1971)). The FEC further argued that the

---

*Subsequent to ruling that plaintiffs had standing to bring suit, the appeals court upheld the constitutionality of 2 U.S.C. §441b(b)(4)(D) against plaintiffs' challenges, an issue not addressed by the Supreme Court. See summary on p. 6 of the May 1981 Record.

LaRouche campaign had failed to present sufficient evidence to demonstrate a likelihood of succeeding with its case on the merits.

In granting a preliminary injunction, the court found that it did have jurisdiction over the claims raised in the suit and that §437h could be used to challenge the constitutionality of the Act, as applied. The court also held that it did not have to certify the campaign's constitutional questions to the appeals court, pursuant to §437h, but could itself take primary jurisdiction over them. The court reasoned that the campaign would be caused "irreparable harm" as a result of substantial legal fees and the depletion of volunteer staff resources required to defend the campaign against the FEC's ongoing investigations. The court therefore barred the FEC from:

1. Initiating any more investigations into the LaRouche campaign's 1980 Presidential primary activities until the pending enforcement actions were concluded; and
2. Auditing, or issuing depositions to, LaRouche campaign contributors unless the FEC simultaneously notified the LaRouche campaign of such actions.

Moreover, the court ordered the FEC to complete its enforcement actions promptly and to treat the LaRouche campaign as a respondent to all pending investigations involving the campaign's 1980 Presidential primary activities. The court also ordered the FEC to furnish copies of depositions taken with regard to any of the pending investigations, if requested by the LaRouche campaign. The court, however, conditioned its enforcement of the injunction on:

1. Plaintiffs' agreement to waive certain legal claims with respect to time limits for the FEC enforcement actions; and
2. Plaintiffs' full cooperation with the FEC in completing the pending enforcement matters.

NEW LITIGATION

FEC v. Robert Earl Short

The FEC asks the district court to declare that defendants (Employees of Bob Short Companies Committee, treasurer Larry J. Weisgram, Just a Bunch of Plain DFL Folks Who Want Common Sense Government and Walter E. Riordan) violated the election law by:

1. Failing to report disbursements as in-kind contributions to, rather than as independent expenditures on behalf of, the Short for Senate Committee of Volunteers (2 U.S.C. §434 (1976)); and
2. Making disbursements exceeding the $1,000 per candidate, per election, contribution limit (2 U.S.C. §441a(a)(1)(A)).

Alternatively, if the court finds that the defendants' disbursements were independent expenditures, rather than in-kind contributions, the FEC asks the court to declare that Just a Bunch of Plain DFL Folks Who Want Common Sense Government and Walter E. Riordan violated the Act by failing to promptly report these expenditures, which were made just before the 1978 Minnesota general election (2 U.S.C §§434(b)(9) and (b)(13) (1976) and 11 CFR 109.2(a)(1) and (c)(1977)).

The FEC also asks the court to:

1. Declare Robert Earl Short, Short for Senate Committee of Volunteers and Robert J. Foster violated the Act by failing to report the Short committee's receipt of in-kind contributions from Employees of Bob Short Companies Committee and Just A Bunch of Plain DFL Folks Who Want Common Sense Government (2 U.S.C. §434(1976)).
2. Order the defendant committees to amend their reports to reflect these transactions (if not found to be independent expenditures) as in-kind contributions and expenditures.
3. Enjoin the defendants from any further violations of the election law.

(FEC v. Robert Earl Short, U.S. District Court for the District of Minnesota, Docket No. 3-82 Civ. 192, March 1, 1982)

REGULATIONS

TECHNICAL AMENDMENTS TO HONORARIA LIMIT

On April 1, 1982, the Commission approved technical amendments to its regulations, reflecting Congress' repeal of 2 U.S.C. §441i(a)(2),* a provision of the election law that had placed an overall $25,000 annual limit on honoraria that a federal officeholder or employee could accept for speeches, appearances and articles. The technical amendments deleted 11 CFR 110.12(a)(2), the annual honoraria limit. The amendments also deleted sections 110.12(a)(3) and (4) of the regulations, which had included guidelines for determining the calendar year in which honoraria were considered to have been accepted for purposes of the annual limit.

Since the technical conforming amendments were not a substantive rule representing an FEC policy decision, they were not submitted for Congressional review but became effective upon publication in the Federal Register on April 8, 1982 (47 Fed. Reg. 15098).

---

*Congress repealed the annual honoraria limit on October 1, 1981, as an amendment to a continuing resolution for federal agency appropriations (Pub. L. 97-51). The President signed the bill the same day.

COMPLIANCE

FEC PUBLISHES THE NAMES OF ILLINOIS NONFILERS

On March 12, 1982, the Commission published the names of two Illinois House campaigns that had failed to file their pre-primary reports, due 12 days before the March 16 Illinois primary. The campaigns' pre-primary reports should have covered campaign finance activity from January 1 (or from the date of candidacy) through February 24, 1982.

On February 8, 1982, the Commission had notified the committees of all candidates participating in the Illinois primary of their potential reporting requirements. Subsequently, the Commission notified those committees failing to file timely reports that their names would be published if they did not respond to the FEC's notice within four business days.

Other political committees (not authorized by candidates) that supported candidates in the Illinois primary were also required to file pre-primary reports, unless they had been reporting on a monthly basis. The 1979 amendments to the election law do not, however, require the Commission to publish the names of these unauthorized committees.

Further Commission action against committees that fail to file reports required during the 1982 election year will be decided on a case-by-case basis. The Act gives the Commission broad authority to initiate enforcement actions against any nonfiler, including civil enforcement and the imposition of civil penalties.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between February 25 and March 22, 1982. Final audit reports are available to the general public in the Public Records Office.

1. South Carolina Republican Party Campaign '80 Fund (Final Audit Report released February 25, 1982)
2. Outdoor Advertising Political Action Committee (Final Audit Report released March 22, 1982)

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/ 8-6

NEWARK PUBL'C LIBRARY
JUL 1 1982
U. S. GOVT. PUBS.
DEPOSITORY 370

THE FEDERAL ELECTION COMMISSION RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 6

June 1982

INFORMATION

PARTY COORDINATED EXPENDITURE LIMITS -- 1982

Party committees may make limited, special expenditures on behalf of their candidates in the 1982 general elections. 2 U.S.C. §441a(d); 11 CFR 110.7. These special expenditures count neither as contributions to the candidate nor as expenditures by the candidate or the candidate's authorized committees. The party committee coordinates the expenditures with the candidate's campaign, but the party committee -- not the candidate -- must report them, using Schedule F of FEC Form 3X.

National party committees have separate spending limits for Senate and House candidates in the general election. State party committees are subject to separate spending limits for Senate and House general election candidates in their respective states. Within a state, all expenditures made on behalf of one candidate by the state party committee or any subordinate party committee (e.g., county, district, local) are subject to **one** spending limit.

The formulas for the party spending limits in 1982 are based on state voting age population estimates (as of July 1, 1981) from the Department of Commerce, and the Consumer Price Index (CPI) increase certified by the Secretary of Labor. They are calculated as follows:

How to Calculate Senate Limit

The Senate formula is the state voting age population (VAP) x $0.02, plus the 1982 increase in the CPI of 84.4 percent; or $20,000 (plus the CPI increase), whichever is greater. (See chart below.)

How to Calculate House Limit

The House limit depends on the number of districts in the state. For House candidates in states with more than one district (and candidates for Delegate from the District of Columbia, Guam and the Virgin Islands or for Resident Commissioner from Puerto Rico) the limit is $10,000 (plus the CPI increase). For House candidates in states entitled to only one representative, the limit is the same as that for Senate candidates. (See above.)

NEW IOWA FILING OFFICE

The Iowa Secretary of State's Office has transferred its filing office to a new location. Effective May 7, 1982, all political committees active in federal elections in Iowa should file the state copy of their federal campaign finance reports with:

Campaign Finance Disclosure Commission
1st Floor
Colony Building
507 10th Street
Des Moines, Iowa 50309

Chart on Senate Limits

The Commission has compiled the following chart for 1982 limits on party spending for Senate candidates in the general election. In the chart, an asterisk (*) indicates those states having only one Representative. In these instances, the Senate limit applies to candidates for the House as well as to Senate candidates. VAP figures in the chart are in thousands.

State	VAP	1982 Party Spending Limits
Alabama	2,772	$102,231.36
Alaska*	279	36,880.00
Arizona	1,993	73,501.84
Arkansas	1,634	60,261.92
California	17,784	655,873.92
Colorado	2,153	79,402.64
Connecticut	2,333	86,041.04
Delaware*	436	36,880.00

continued

Y 3. El 2/3:

State	VAP	1982 Party Spending Limits
Florida	7,769	$286,520.72
Georgia	3,930	144,938.40
Hawaii	703	36,880.00
Idaho	650	36,880.00
Illinois	8,270	304,997.60
Indiana	3,893	143,573.84
Iowa	2,093	77,189.84
Kansas	1,738	64,097.44
Kentucky	2,602	95,961.76
Louisiana	2,965	109,349.20
Maine	818	36,880.00
Maryland	3,121	115,102.48
Massachusetts	4,323	159,432.24
Michigan	6,539	241,158.32
Minnesota	2,949	108,759.12
Mississippi	1,728	63,728.64
Missouri	3,601	132,804.88
Montana	563	36,880.00
Nebraska	1,134	41,821.92
Nevada	622	36,880.00
New Hampshire	680	36,880.00
New Jersey	5,462	201,438.56
New Mexico	910	36,880.00
New York	13,021	480,214.48
North Carolina	4,320	159,321.60
North Dakota*	468	36,880.00
Ohio	7,757	286,078.16
Oklahoma	2,235	82,426.80
Oregon	1,933	71,289.04
Pennsylvania	8,822	325,355.36
Rhode Island	716	36,880.00
South Carolina	2,235	82,426.80
South Dakota*	484	36,880.00
Tennessee	3,336	123,031.68
Texas	10,356	381,929.28
Utah	954	36,880.00
Vermont*	373	36,880.00
Virginia	3,977	146,671.76
Washington	3,074	113,369.12
West Virginia	1,400	51,632.00
Wisconsin	3,408	125,687.04
Wyoming*	340	36,880.00

Delegate/Resident Commissioner Candidates

District of Columbia	492	18,440.00
Guam	65	18,440.00
Puerto Rico	2,046	18,440.00
Virgin Islands	58	18,440.00

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-31	Legal and accounting services provided to campaign by law student partially supported by scholarship. (Date made public: April 15, 1982; Length: 2 pages, plus supplement)
1982-32	Contribution limits of Senate draft committee that has become multicandidate committee. (Date made public: April 19, 1982; Length: 3 pages)
1982-33	Disposal of funds and assets remaining in former Senator's 1976 campaign account. (Date made public: April 21, 1982; Length: 2 pages)
1982-34	Payroll deduction plan for foreign subsidiaries of U.S. corporation. (Date made public: April 29, 1982; Length: 2 pages)
1982-35	Legal expense fund for contesting possible denial of access to primary ballot. (Date made public: May 4, 1982; Length: 2 pages, plus supplement)
1982-36	Funds transferred from PAC of dissolved trade association to PAC of trade association with which it has merged. (Date made public: May 4, 1982; Length: 3 pages)
1982-37	Donations to Congressmen for legal expenditures related to reapportionment plan. (Date made public: May 17, 1982; Length: 1 page)
1982-38	Reasonable accounting method for contributions made by county party organizations to Senate campaign. (Date made public: May 18, 1982; Length: 6 pages)
1982-39	Excess funds transferred among Senate candidate's 1980 committee, 1986 committee and Presidential testing-the-waters organization. (Date made public: May 18, 1982; Length: 6 pages)

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1982-5: Reasonable Methods for Allocating Federal/Nonfederal Expenses of National Party Conference

The Commission approved four out of the five methods proposed by the Democratic National Committee (the DNC) for allocating a portion of the expenses for its national party conference to nonfederal election activity. 11 CFR 100.3(b), 102.5 and 106.1. The Commission was unable, however, to reach a decision by an affirmative vote of four Commissioners on whether any allocation was in fact required since it appeared that the national conference would not be held in connection with, or to influence, the election of any clearly identified federal candidate.

The purpose of the two-day conference, which will be held in Philadelphia in June 1982, is to provide a "forum for discussion of public policy issues...and a mechanism for party-building and training of candidates and political workers," who will be providing support to both federal and nonfederal campaigns and party committees. Pursuant to Sections 102.5 and 106.1 of Commission Regulations, the DNC may reasonably allocate expenses for nonfederal election activity by using one of the following methods:

Ballot Position. Under this method, the DNC would allocate convention expenses between federal and nonfederal activity on the basis of the ratio of federal ballot positions to comparable nonfederal ballot positions in the 1982 elections on a nationwide basis.

Funds Expended. Under the second method, the allocation would be based on the ratio of funds expended in "direct support" of federal candidates to funds expended in "direct support" of nonfederal candidates over a certain period of time. The DNC's "direct support" of federal candidates would include DNC contributions made to Congressional candidates (as well as contributions by the Democratic Congressional and Senatorial campaign committees) and coordinated party expenditures made on behalf of the candidates. Similarly, the direct support of nonfederal candidates would include contributions and expenditures made by the DNC (or any of its auxiliary units) on behalf of state and local candidates. The time period used would be the election cycle either preceding the conference (i.e., the 1980 elections) or subsequent to the conference (i.e., the 1982 elections). General administrative costs not directly attributable to a particular candidate would not be included in the calculation.

Agenda Time. Under the third method, the DNC would base the allocation on the ratio of federal time (i.e., time in the conference agenda devoted to federal election activities) to total conference time (i.e. total agenda time for all conference activities).

Participating Candidates and Workers. Under the fourth method, conference expenses would be allocated between federal and nonfederal election activity on the basis of the ratio of participating federal candidates and their workers to participating nonfederal candidates and their workers. Using this method, the DNC would have to factor into the ratio those participants who belong to both the federal **and** nonfederal categories or to neither category.

The Commission did not approve a "funds received method" for allocating the nonfederal expenditures because a reasonable allocation method is based on the activity engaged in -- not on the amount of contributions received by a party committee during a given time period.

The Commission conditioned its approval of the four allocation methods by noting that:

1. They were not an exhaustive listing of all reasonable allocation methods;
2. Regardless of which method it chose, the conference committee could make a preliminary estimate of the allocation since the actual allocation of expenses might not be possible until after the close of the conference; and
3. The DNC should maintain detailed records for whatever allocation method it chose and should apply the percentage formula derived from the allocation method to all national conference expenses. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: April 21, 1982; Length: 7 pages, including dissent)

AO 1982-7: PAC's Computer-Designed Reporting Form

The Solar Energy Industries Assoc. Political Action Committee (SEIA-PAC) may submit its reports (FEC Form 3X and supporting schedules) on computerized forms designed by D.C. Associates, Inc. The Commission conditionally approved SEIA-PAC's proposed reporting form in order to encourage the PAC's voluntary compliance with the Act.

SEIA-PAC might, however, have to stop using its computerized form and report on a standard, computer-printable FEC Form 3X, once this new form became available. The Commission noted that it was not granting approval of SEIA-PAC's proposed Form 3X under 11 CFR 104.2(c), since

continued

that section permits a precise reproduction of forms and the proposed computerized form was not a precise reproduction of FEC Form 3X, or under 11 CFR 104.2(d), since that subsection pertains only to Schedules A and B. (Date issued: April 23, 1982; Length: 3 pages)

AO 1982-12 Trade Association's Solicitation of Individual Members of Member Nonstock Corporations

The National Club Association (NCA), a trade association, may solicit contributions to its separate segregated fund from the individual members of its member corporations without capital stock, provided:

1. The nonstock corporate members annually give NCA their prior, exclusive consent to solicit their members;
2. NCA solicits only those individuals who are "members" of the nonstock corporations, as defined by 11 CFR 114.1(e); and
3. The solicitations are otherwise conducted in compliance with 2 U.S.C. §441b(b)(4)(D) and 11 CFR 114.8.

Although the Act and Commission Regulations do not expressly give trade associations this solicitation authority, the Act and its legislative history indicate that a trade association may solicit the individual members of member corporations **without** capital stock to the same extent that it may solicit the stockholders of member corporations **with** stock. (See 2 U.S.C. §441b(b)(4)(C) and related legislative history.) (Date issued: April 9, 1982; Length: 3 pages)

AO 1982-13: Law Partnership's Contribution Plan

Sutherland, Askill & Brennan, a law partnership, may implement a contribution plan established by agreement of its partners. Moreover, the fact that several partners will administer the plan will not cause the partnership to become a political committee subject to the requirements of the Act and Commission Regulations; these services are incidental to the partners' administration of the plan and are not provided to directly influence federal elections.

Under the proposed plan, members of the partnership have agreed on an annual amount to be budgeted for partnership contributions, with each partner contributing an agreed-upon share of this amount. The partnership will delegate the administration of the plan to four partners, who will consider all contribution requests and be responsible for authorizing any partnership contributions. When the managers authorize a specific contribution, they will attribute it to the partners (or a particular partner) by charging their personal firm accounts with their respective share of the contribution. (No attribution of a contribution to a partner will exceed the overall annual amount he or she has agreed to contribute.) The managers will then deduct each partner's share of the contribution from his/her monthly income distribution and notify the partner of this transaction. A partner has the option of vetoing the attribution of a contribution to him/her. Partners may also make contributions through personal checks and advise the recipient that the contribution is authorized by the partnership.

The managers will maintain bookkeeping records to ensure that contributions do not exceed the limits and that they otherwise comply with the Act. To further ensure that the contribution limits are not exceeded, each partner will be responsible for notifying the partnership of contributions he or she makes independently.

Under the Act and Commission Regulations, a partnership may make contributions, as long as: 1) it does not exceed the per election monetary limits for contributions from persons, and 2) it attributes its contributions to both the partnership and the individual partners. One method a partnership may use to attribute contributions to individual partners is to agree to a particular attribution plan. 2 U.S.C. §441a(a)(1)(A); 11 CFR 110.1(e). The partnership's proposed contribution plan would meet these requirements. Chairman Frank P. Reiche filed a dissenting opinion with which Commissioner Thomas E. Harris concurred. (Date issued: April 16, 1982; Length: 10 pages, including dissent)

AO 1982-14: Party Committee Fund to Influence Congressional Reapportionment

Funds received and disbursed from a reapportionment account established by the Michigan Republican State Committee (the Committee) to influence the Michigan State Legislature's Congressional reapportionment activities would not constitute "contributions" or "expenditures" subject to the reporting requirements and the limits and prohibitions of the Act, provided the funds are not used to finance any federal election activity. Accordingly, the Committee may accept corporate contributions for the reapportionment account, provided it does **not** transfer **any** funds from that account to an account for federal elections. See also AO 1981-35. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: April 9, 1982; Length: 5 pages, including dissent)

AO 1982-15 Legal Service Ads Sponsored by Firm Whose Partner May Be a Candidate

Advertising fees incurred by the law firm of Sprik and Andersen (the firm) to publicize its legal services would not constitute contributions to the firm's senior partner, Dale Sprik, should he become a Congressional candidate from Michigan's Fifth Congressional District. The firm's expenses for the legal service ads would not be contributions to Mr. Sprik's potential campaign because the purpose of the ads will be to expand the firm's clientele -- not to promote Mr. Sprik's candidacy. The commercial, rather than political, purpose of the ads is evidenced by the fact that:

1. The ads will not identify Mr. Sprik as a Congressional (or any other kind of) candidate;
2. The ads will be aired whether or not Mr. Sprik becomes a candidate; and
3. The ads will not appear more frequently just before the 1982 primary or general election in Michigan.

The Commission expressed no opinion on applicable provisions of the Communications Act since they are not within its jurisdiction. (Date issued: April 9, 1982; Length: 2 pages)

AO 1982-17: Party Committee's Deposit of State Public Funds in Federal Account

The Indiana Democratic Party (the Party) may deposit state public funds (i.e., funds received from the state government's sale of personalized license plates) in its federal account. Although the funds are not considered contributions, they are reportable receipts. The Party should report them as "miscellaneous receipts," with an explanation indicating their source and identifying the appropriate state agency as the payor. 2 U.S.C. §434(b)(3)(G); 11 CFR 104.3(a)(4)(iv).

Under Indiana law, the state government sells personalized license plates and distributes a portion of the sales proceeds among all qualified state party committees. Since the fee for the plates is mandatory and is not paid to influence federal elections, the Party's share of the sales proceeds would not be considered contributions from the plate purchasers. Moreover, if authorized by its laws, a state may provide such funding to political parties and candidates active in federal elections. See also AOs 1978-9 and 1980-103. (Date issued: April 9, 1982; Length: 2 pages)

AO 1982-18 Corporate PAC's Solicitation of Solicitable Class of Affiliated Corporations

The Gannett Fleming Corddry and Carpenter, Inc. Federal Political Action Committee (the PAC), the separate segregated fund of Gannett Fleming Corddry and Carpenter, Inc. (Gannett), may solicit contributions from:

1. The individual stockholders (and their families) of Gannett's parent corporation, Gannett Fleming Affiliates, Inc.,; and
2. The executive and administrative personnel (and their families) of Gannett's parent corporation, as well as of the parent corporation's other subsidiaries and their respective subsidiaries.

Under the Act and Commission Regulations, a separate segregated fund may solicit the executive and administrative personnel and stockholders (and their families) of the corporation that establishes and maintains the fund, as well as the solicitable personnel of any of the corporation's subsidiaries and affiliates. 2 U.S.C. §441b(b)(4)(A)(i); 11 CFR 114.5(g)(1). Similarly, the PAC may solicit the executive and administrative personnel (and their families) of both the parent corporation's subsidiaries and their respective subsidiaries because they are all owned by a single parent (i.e., Gannett Fleming Affiliates, Inc.) and consequently are affiliated.

The Commission noted that the PAC and any separate segregated fund established by any of Gannett's affiliated corporations would be considered affiliated political committees. For purposes of the contribution limits, they would be considered a single committee subject to a single limit on contributions they receive and on contributions they make. Commissioner Thomas E. Harris filed a dissenting opinion. 2 U.S.C. §441a(a)(5); 11 CFR 100.5(g)(2). (Date issued: April 26, 1982; Length: 4 pages, including dissent)

AO 1982-20: Media-Buying Services Supplied Simultaneously to Independent Expenditure Committee and Candidate It Supports

Time Buying Services, Inc. (TBS), a company that buys radio and television time for its clients in media markets throughout the U.S., may simultaneously sell its media-buying services to an independent political committee, such as the National Conservative Political Action Committee (NCPAC), and to the campaign committee of a Republican candidate whom the independent committee plans to support through independent expenditures advocating the candidate's election or his opponent's defeat. The use of TBS's services by these two clients could, however, raise factual questions as to whether the expenditures of the independent committee made on behalf of the Republican candidate qualify as "independent expenditures" under the Act and Commission regulations. Specifically, Section 109.1(b)(4)(i)(B) of Commission Regulations presumes that a committee's expenditures are **not** independent if they are made by or through **any person (or agent)** who has been "receiving any form of compensation...from the candidate" or any of his campaign agents. (Date issued: April 26, 1982; Length: 3 pages)

AO 1982-21: Contribution by PAC to Another PAC as Index of Affiliation

A contribution of $500 or $1,000 that HUMPAC, the separate segregated fund of Humana, Inc., proposes to make to the separate segregated fund of the American Hospital Association (AHA) would not, by itself, be sufficient evidence of an affiliated relationship between the two committees. Under Commission Regulations, two political committees are considered affiliated if there is evidence that one of the committees has been established, financed, maintained or controlled by the other committee. 11 CFR 100.5(g)(3). The proposed transfer does represent one indicia of affiliation, namely the transfer of a "substantial portion" of one committee's assets to another committee (in this case either 12 percent or 25 percent). By itself, however, this fact is insuffi-

continued

cient evidence of affiliation. See Section 100.5(g)(2)(ii) of Commission Regulations and AO 1976-104. (Date issued: April 23, 1982; Length: 3 pages)

AO 1982-23: Remaining Funds of Terminating Committee Earmarked Through Local Party Organization

The Westchester Citizens for Good Government (the Committee), an independent expenditure committee, may **not** earmark all of its remaining funds (approximately $3,800) through a local party organization (not registered with the FEC) for the 1982 general election campaign of an, as yet, unidentified Republican Congressional candidate. The Committee could, however, earmark up to $1,000 for the potential candidate's general election campaign since that is the maximum amount that it may contribute. 11 CFR 110.1. Although a Republican candidate has not yet been selected for the Party's Congressional district, the Committee could nevertheless earmark a contribution because the specific office, party affiliation and election have been identified. (See AO 1977-16.) As long as the party organization exercised no direction or control over the Committee's choice of a recipient candidate, the contribution would be attributed to the Committee alone, not to the intermediary party organization. 11 CFR 110.6.

Alternatively, if permitted by state law, the Committee could contribute all of its remaining funds to the Party or use the funds for any other lawful purpose, provided it earmarked no more than $1,000 to any federal candidate, per election. Moreover, the Committee could report its termination on the same report that it recorded the disbursement of its remaining funds. 11 CFR 102.3. (Date issued: April 23, 1982; Length: 3 pages)

AO 1982-24 Campaign Funds Raised Through Sale of Artworks Consigned by Artists

The Phillips for Congress Committee (the Committee) may sell artworks on consignment from various artists as part of a fundraising event. The artworks will not be considered contributions to the Committee from the artists because the Committee will pay each artist for the normal price of each artwork it sells. 11 CFR 100.7(a)(1)(iii). The Committee plans to raise the price of each artwork above its normal purchase price and keep the surplus amount. It will return all unsold artworks to the various artists.

The full purchase price for each artwork sold by the Committee would, however, constitute a contribution from the purchaser to the Committee. Accordingly, funds received for the artworks would be subject to the Act's contribution limits and prohibitions, as well as its reporting requirements. 11 CFR 100.7(a)(2) and 104.3. Chairman Frank P. Reiche filed a dissenting opinion. (Date issued: April 30, 1982; Length: 5 pages, plus dissent)

AO 1982-25: Campaign Disbursement Made by Wire Transfer of Funds

The Barbara Sigmund for Congress Committee (the Committee) may make advance payments to a campaign vendor by wiring a transfer of funds from the Committee's campaign depository to the vendor's bank account. Commission Regulations permit a committee to make disbursements "by check" or by a "similar draft," such as the wire transfer, provided it:

1. Records and maintains adequate documentation of the transaction; and
2. Discloses the transaction as a "disbursement" on its reports. 11 CFR 102.10 and 104.3(b). (Date issued: April 23, 1982; Length: 2 pages)

AO 1982-27: General Fund Used by City to Finance Presidential Nominating Convention

The City of Dallas (the City), which proposes to host the 1984 Republican National Convention, may finance facilities and services for the convention from a general convention fund administered by the City, provided any services and facilities obtained from commercial vendors are purchased at their fair market value. 11 CFR 9008.7(b). Moreover, payments that the City makes for the services and facilities would not constitute contributions to the Republican National Committee (RNC) by either the City or by those who donate to the convention fund. Nor would the payments count against the RNC's convention spending limit, should the RNC accept public funding for the convention. See 26 U.S.C. §9008(d).

Since constitutional constraints and long-standing public policy preclude Dallas from using tax revenues or other government funds to finance the convention, the City would like to finance it through the convention fund. The City plans to accept unlimited donations to the convention fund exclusively from the private sector, including individuals, associations, businesses, corporations and other persons. The City would not, however, permit donors to designate their donations for particular events or conventions.

In permitting local government agencies and municipal corporations to make disbursements on behalf of a Presidential nominating convention, Commission Regulations require only that, if services are purchased from commercial vendors, the agency or municipal corporation obtain those services at their fair market value. The Regulations do **not** impose any requirements on funding sources used by the municipal corporation to finance services for the convention. Chairman Frank P. Reiche filed a concurring opinion. Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: May 3, 1982; Length: 9 pages, including concurring and dissenting opinions)

AO 1982-28: State-Chartered Corporation Established Under Federal Law

Although the Sealaska Corporation (Sealaska) is an Alaska Native regional corporation established pursuant to the Alaska Native Claims Settlement Act (a federal law), Sealaska is chartered under Alaska law and is not considered a corporation organized by authority of a law of Congress. Accordingly, Sealaska may make contributions and expenditures in connection with state and local elections if permitted by state law. Sealaska may **not**, however, make contributions and expenditures in connection with **federal** elections. 2 U.S.C. §441b(a).

Sealaska is not considered a federally chartered corporation barred by Section 441b from making contributions and expenditures in connection with **any** elections (i.e., local, state and federal elections) because:

1. The legislative history of the Alaska Native Claims Settlement Act indicates that Congress rejected the concept of establishing federally chartered Alaska Native regional corporations and specifically provided that these corporations should be organized under state law (1971 U.S. Code Cong. & Ad. News, 2192, 2254); and
2. Congress prohibited the regional corporations from using appropriated **federal** funds in connection with state and local elections (43 U.S.C. §1605(b)), which would have been unnecessary if Congress had believed that the regional corporations were already barred from such activity under 2 U.S.C. §441b(a).

The Commission noted that this opinion overruled AO 1980-129, which had held that Sealaska was a federally chartered corporation and, as such, was subject to the broad prohibitions of 2 U.S.C. §441b. (Date issued: May 7, 1982; Length: 5 pages)

AO 1982-29: Payroll Deduction Plan for Corporation's Subsidiaries

United Telecommunications, Inc., a Kansas corporation with subsidiary operations in at least 21 states, may solicit contributions to its separate segregated fund, United Telecom Political Action Committee (UNIPAC), by offering a payroll deduction plan to as many of its subsidiaries as choose to use it. Under the Act and Commission Regulations, a corporation may implement a payroll deduction plan to solicit contributions to its separate segregated fund from the stockholders and executive and administrative personnel of the corporation, as well as the solicitable personnel of the corporation's subsidiaries. 2 U.S.C. §§441b(b)(4)(A)(i) and (5); 11 CFR 114.1(f), 114.5(g)(1) and 114.5(k)(1).

The Act would preempt and supersede any state law prohibiting the proposed payroll deduction plan. 2 U.S.C. §453. Noting that it had not been asked to consider any other state laws, the Commission expressed no opinion on whether or not the Act would supersede and preempt other laws. (Date issued: April 30, 1982; Length: 3 pages)

LEGISLATION

FEC TESTIFIES ON FY 1983 BUDGET AND FY 1982 SUPPLEMENTAL

During four Congressional hearings held in late April and early May, the Commission requested funding for fiscal year (FY) 1983 that would allow the FEC to administer the 1982 elections and to prepare for the 1984 Presidential elections. The Commission also requested supplemental funds for FY 1982 to avert a possible furlough of the entire FEC staff this fall.

FEC Chairman Frank P. Reiche, Vice Chairman Danny Lee McDonald and Commissioner Joan D. Aikens presented the Commission's budget testimony before the House Committee on Appropriations' Subcommittee on Treasury, Postal Service and General Government; the Senate Committee on Rules and Administration; the Task Force on Elections of the Committee on House Administration; and the Senate Committee on Appropriations' Subcommittee on Treasury, Postal Service and General Government. In their testimony, the Commissioners stated that the FEC's $9,880,000 budget request for FY 1983 represented the amount the Reagan administration had requested for the Commission in the President's FY 1983 budget. This amount is $666,000 less than the request the Commission had submitted to the Office of Management and Budget on September 1, 1981.

Chairman Reiche testified that, when adjusted for inflation, the FEC's FY 1983 budget request represented approximately the same level of funding as that used to administer the election law in 1973 ($4.7 million), when there were no regulations or advisory opinions and less disclosure. He noted that the Commission had also had a lean budget for administering the election law during the last Presidential election cycle, with the cost to the federal government for administering public financing of Presidential elections, as well as for disclosing, monitoring and providing guidance with respect to all federal elections in 1979-80, being less than one percent of reported campaign finance activity.

Vice Chairman McDonald, Chairman of the FEC's Budget Task Force, testified on behalf of the FEC's request for $183,907 to supplement its FY 1982 budget. He reported that if a pay supplemental were not provided, the Commission could run out of money before the end of the fiscal year and could "face the prospect of furloughing the entire staff at a time when we should be increasing our activity to deal with the 1982 Congressional primaries and general election."

continued

In order to administer the election law under a continuing resolution during FY 1982, the Commission had to impose a hiring freeze, which reduced the permanent staff to 217 from a high of 258 during FY 1979. A recent reduction-in-force also eliminated 16 positions in the FEC's Audit Division, representing half of that division's staff. Other spending cuts have been made in travel, in outreach programs to educate candidates and political committees, and in funds allocated to printing, supplies, equipment and other materials. In addition, reductions have been made in contracts administered by the National Clearinghouse on Election Administration.

COMPLIANCE

FEC PUBLISHES THE NAMES OF NONFILERS

During April and May, the Commission published separate listings of authorized candidate committees that had failed to file either their first quarterly or their pre-primary reports.* On April 30, 1982, the Commission published the names of three California House campaigns that had failed to file their first quarterly report, due April 15. During the 1982 election year, the quarterly report is required of all authorized candidate committees active in 1982 elections, as well as of all authorized Presidential committees and all unauthorized committees that choose to file on a quarterly (rather than a monthly) basis. Prior to this publication, the California campaigns received mailgrams notifying them of their failure to file the report.**

During April and May, the Commission also published the names of three House campaigns waged in separate states (i.e., Texas, Indiana and Pennsylvania) that had failed to file their pre-primary reports, due 12 days before the primary elections in those states. The elections were held on May 1, 4 and 18, respectively. Other political committees (not authorized by candidates) that supported candidates in the primaries were also required to file pre-primary reports, unless they had been reporting on a monthly basis.

Further Commission actions against committees that fail to file reports required during the 1982 election year will be decided on a case-by-case basis. The Act gives the Commission broad authority to initiate enforcement actions against any nonfiler, including civil enforcement and the imposition of civil penalties.

---

*The 1979 amendments to the election law do not require the Commission to publish the names of unauthorized committees that fail to file required reports.

**The FEC's revised nonfiler policy is summarized on page 1 of the March 1982 Record.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON D C
PERMIT NO G 31

11/8-7

THE FEDERAL ELECTION COMMISSION RECORD

NEWARK PUBLIC LIBRARY
AUG 1 3
U. S. GOV
DEPOSIT

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 7

July 1982

REPORTS

REPORTS DUE IN JULY

The following paragraphs explain the reporting schedule for the various categories of filers that have reports due in July.

Quarterly Filers

Authorized candidate committees active in 1982 elections, as well as authorized Presidential committees and unauthorized committees that have chosen to file on a quarterly (rather than a monthly) basis, are required to file a quarterly report, due by July 15. The report should cover all activity from the closing date of the last report filed or from the date of registration, whichever is later, through June 30, 1982.

Semiannual Filers

Political committees authorized by House and Senate candidates not active in 1982 elections (i.e., committees authorized by candidates who ran for federal office prior to 1982 or candidates who are involved in future elections) are required to file a semiannual report, due by July 31, rather than a quarterly report. Note that Presidential candidate committees may not file on a semiannual basis. 11 CFR 104.5(b)(2).

Monthly Filers

Unauthorized committees and authorized Presidential committees that have chosen to file on a monthly basis must file their June monthly report by July 20. The report should cover all activity from the closing date of the last report filed or from the date of registration, whichever is later, through June 30.

Change in Filing Frequency

Unauthorized committees that wish to change their reporting schedule (from monthly to quarterly or from quarterly to monthly) must notify the Commission of their intention. The committee may notify the Commission by a letter submitted with the next report due under

continued

NEW CAMPAIGN GUIDE FOR CORPORATIONS AND LABOR ORGANIZATIONS

The Commission recently published a Campaign Guide for Corporations and Labor Organizations to help the following organizations comply with the Federal Election Campaign Act (the Act) and Commission Regulations:

1. National Banks
2. Corporations With Capital Stock
3. Corporations Without Capital Stock
4. Incorporated Membership Organizations
5. Incorporated Trade Associations
6. Incorporated Cooperatives
7. Labor Organizations

Although these organizations are prohibited, under the election law, from using their general treasury funds to make contributions and expenditures in connection with federal elections, they may engage in a number of activities that support federal elections. Part One of the Guide explains how a corporation or labor organization may establish and operate a separate segregated fund (i.e., a political committee popularly called a PAC) that supports candidates for federal office. Part Two discusses other permissible activities by corporations and labor organizations, such as making partisan and nonpartisan communications and using their facilities in connection with federal election activities. Part Three reproduces FEC reporting forms and shows how to fill them out.

Based on the Act and Commission Regulations, the Guide includes citations to regulations and selected advisory opinions. The Guide has been sent to all separate segregated funds registered with the Commission. Copies of the Guide are available free of charge by contacting: Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

Y 3. El 2/3:

its old schedule. A committee may not change its filing frequency more than once a year. 11 CFR 104.5(c). The FEC also requests that Presidential committees inform the Commission in writing if they decide to change their reporting schedule.

Forms and Information

Reporting forms and additional information have been sent to all registered committees, alerting them to their reporting requirements. Questions and requests for additional forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

MICHIGAN AND MISSISSIPPI PRIMARIES RESCHEDULED

Michigan and Mississippi have each rescheduled primary elections to be held in those states in August. Michigan's primary election will be held on August 10 instead of August 3. Mississippi's primary election (for the House of Representatives) will be held on August 17 instead of June 1. If there are any Mississippi House races in which no candidate obtains a majority of the votes, a runoff election will be held in Mississippi on August 31.

The new schedule for filing the 12-day pre-election report by committees supporting candidates for federal office in either the Michigan or Mississippi primaries is as follows:

Closing Date of Books	Mailing Date of Report (if sent by registered or certified mail)	Filing Date
Michigan Primary		
July 21, 1982	July 26, 1982	July 29, 1982
Mississippi Primary		
July 28, 1982	August 2, 1982	August 5, 1982
Mississippi Runoff		
August 11, 1982	August 16, 1982	August 19, 1982

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-40	Federal PAC established by incorporated membership organization; contributions to federal candidates from its existing state PAC. (Date made public: May 28, 1982; Length: 3 pages, plus supplement)
1982-41	Organization's exchange of mailing lists (provided by other organizations) for campaign's lists. (Date made public: May 28, 1982; Length: 2 pages)
1982-42	Union's reimbursement to its PAC for the PAC's establishment, administration and solicitation costs. (Date made public: May 28, 1982; Length: 3 pages, plus supplement)
1982-43	Affiliated committee status for PACs established by two corporations and by a joint venture corporation formed by the two corporations. (Date made public: June 11, 1982; Length: 8 pages)
1982-44	Donation of free air time to two national party committees by cable t.v. network. (Date made public: June 14, 1982; Length: 6 pages)

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1982-4: Procedures for Reporting Campaign's Renovation of Leased Property

Before occupying its campaign headquarters, the Jerry Apodaca for U.S. Senate Committee (the Committee) had to undertake extensive renovations of its office space. The labor for the renovations was voluntary. Some of the materials used in the renovations were donated and some were purchased. In the rental lease with the Committee, the owner of the building agreed to apply the costs of the renovations toward the Committee's rent. The Committee should report the office renovation and rental expenses as follows:

Volunteer Labor - Since volunteer services provided by the various carpenters, plumbers, electricians, carpet-installers and other tradesmen are exempt from the Act's definition of contribution, the Committee does not have to report these uncompensated services. 2 U.S.C. §431(8)(B)(i). If, however, these individuals had been compensated for their work, any payments they received would be considered contributions from the payor and would be subject to the Act's contribution limits, prohibitions and reporting requirements.

Building Materials - The Committee must report expenditures for building materials as "disbursements" on line 17 of FEC Form 3. Any disbursement in excess of $200 to a particular person must be itemized in accordance with Section 104.3(b)(3) of Commission Regulations. On the other hand, any materials donated for the renovation must be considered contributions subject to the Act's limits, prohibitions and reporting requirements. In this case, the Committee must determine the usual and normal charge for the donated materials and report their value as in-kind contributions. 11 CFR 104.3(a)(2).

Offset in Rent - The offset to operating expenditures, which the Committee will realize as a result of deducting the renovation expenses from its rent, should be reported as a receipt entry on FEC Form 3, Line 14, "Offsets to Operating Expenditures." The entry should be listed as a receipt from the lessor and clearly annotated, "Offset of Tenant Financed Improvement Against Rent." The rental expense should also be reported as an expense entry on FEC Form 3, Line 17, "Operating Expenditures," and noted as a non-cash offset against the value of the Committee's improvements. The offset of the improvements against the rent may be reported as a single transaction (i.e., a single entry) on one report or as monthly entries until the offset credit is exhausted. The Commission conditioned its approval of these reporting procedures by noting that:

1. The Committee may not deduct as offsets from its rent any property improvements that it plans to take with it when the lease expires.
2. Alternatively, if the lessor later directs the Committee to remove property improvements at the end of the lease, a question might be raised requiring the Commission to determine whether the lease agreement conformed with the lessor's usual and normal charge and practice for commercial leases. (Political committees must pay for goods and services at the usual and normal charge to avoid receiving a contribution. 11 CFR 100.7(a)(1).) (Date issued: May 14, 1982; Length: 4 pages)

AO 1982-19: Receipts and Disbursements for Testing-the-Waters Activities of Potential Presidential Candidate

If Senator Alan Cranston (D-California) should decide to become a 1984 Presidential candidate, funds that were received and disbursed by a committee formed on his behalf to test the waters for his potential candidacy, the Cranston Presidential Advisory Committee (the Committee), would become "contributions" and "expenditures" subject to the reporting requirements, limits and prohibitions of the Act. 11 CFR 100.7(b)(1), 100.8(b)(1) and 101.3. These Commission Regulations would apply to the Committee, and not just to Senator Cranston, because he authorized the Committee.

In the event Senator Cranston becomes a Presidential candidate, funds received and disbursed during the testing-the-waters period would be subject to the following requirements:

continued

1. Section 101.3 of FEC Regulations would apply to the Committee's financial activity during the testing-the-waters period. Specifically, Section 101.3 requires an individual, prior to becoming a candidate, to keep records of the name of each contributor, the date of receipt of his/her contribution and the amount of total contributions received and expenditures made.
2. Although the Committee could accept donations in excess of the Act's limits, as well as donations from prohibited sources, during the testing-the-waters period, the Committee would have to refund these donations within 10 days after Senator Cranston became a Presidential candidate, as defined by the Act and Commission Regulations. 2 U.S.C. $431 (2); 11 CFR 100.7(b)(1) and 101.3. The initial receipt of these donations, as well as their refund, would have to be disclosed on the first report filed by Senator Cranston's authorized Presidential campaign committee.
3. Advisory groups formed to do research, and to brief Senator Cranston on public issues of interest to him as a Senator and as a potential candidate for the Presidency, would fall within the testing-the-waters exemption because the groups were organized to further the Committee's testing-the-waters purpose. Consequently, the receipts and disbursements of the advisory groups, exempt during the testing-the-waters period, would also become "contributions" and "expenditures" subject to the law's requirements should Senator Cranston become a Presidential candidate. During the testing-the-waters period, they would also be subject to the recordkeeping requirements of 11 CFR 101.3.
4. An individual could give up to $1,000 to the Committee, if Senator Cranston became a Presidential candidate, and up to $1,000 to Senator Cranston's 1986 Senate campaign committee, provided the contributions to the separate campaigns complied with Section 110.1(f) of Commission Regulations.
5. A $1,000 donation made by an individual to support Senator Cranston's testing-the-waters activities would be subject to that individual's $25,000 overall contribution limit for 1984, if Senator Cranston became a Presidential candidate.
6. All funds expended for testing-the-waters activities would become "expenditures," subject to the expenditure limits of Section 110.8 of Commission Regulations, should Senator Cranston decide to accept public funding for his Presidential candidacy.

The Commission did not specifically answer 13 questions posed by the Committee because, as general questions of interpretation, they did not qualify as advisory opinion requests. See 11 CFR 112.1(b)(1). Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: May 6, 1982; Length: 8 pages, including dissent)

AO 1982-26: Status of Municipal Corporations as "Corporations" for Purposes of Association's Solicitations

Under the Act, municipal corporations are considered "corporations" subject to the same solicitation rules as are other kinds of corporate members solicited by a trade association. 2 U.S.C. §§441b(a), 441b(b)(2)(C) and 441b(b)(4)(D). The American Public Power Association (APPA), a trade association, must therefore obtain the exclusive written approval of each of its member municipal corporations **before** soliciting contributions to its separate segregated fund (PAC) from the corporations' executive and administrative employees.

The Commission's opinion reaffirmed AO 1977-32, which had held that, while APPA's member municipal corporations could not contribute to its PAC, APPA could solicit the municipal corporate members' executive and administrative employees after obtaining written approvals from the corporations. Commissioner Thomas E. Harris filed a concurring opinion. (Date issued: May 14, 1982; Length: 4 pages, including concurring opinion)

AO 1982-30: Discount Coupon Books Sold as Campaign Fundraising Item

The Sunrise-Sunset Corporation (the Corporation), which produces books of discount coupons redeemable at various Washington, D.C. restaurants, may sell the coupon books as a fundraising item to a Virginia Congressional candidate, provided the corporation charges the candidate the usual and normal fee. 11 CFR 100.7(a)(1)(iii). The corporation may sell the books to the candidate at a volume discount rate (based on the number of coupon books ordered) if:

1. The corporation routinely offers similar discounts to nonpolitical purchasers in the ordinary course of business; and
2. The discount is equivalent to the volume discount offered to any other purchaser buying the same number of coupon books.

Since the restaurants had agreed to participate in the coupon plan in order to attract business rather than to finance political campaigns, they would not be making contributions to the candidate by virtue of either being included in the books or honoring the coupons sold by his campaign. (Date issued: May 14, 1982; Length: 2 pages)

AO 1982-31: Legal and Accounting Services Provided to Campaign by Law Student Partially Supported by Scholarship

Law student Eric Koenig may continue receiving part of his Root-Tilden Scholarship ($170/week) while providing legal and accounting services to the LaRocco for Congress Committee (the Committee) as a summer intern. At the same time, he may accept $50 a week from the Committee. The scholarship stipend will not result in a contribution to the Committee from either the Root-

Tilden program or from Mr. Koenig if his legal and accounting services are provided solely to ensure the Committee's compliance with the Act. The Committee must, however, report Mr. Koenig's services in accordance with Section 104.3(h) of Commission Regulations.

Under the Act and Commission Regulations, legal and accounting services are specifically exempted from the definitions of "contribution" and "expenditure" if: 1) the services are provided solely for the purpose of ensuring compliance with the Act; and 2) the person paying for the services is the regular employer of the individual rendering the services. 2 U.S.C. §§431(8)(B)(ix)(II), 431(9)(B)(vii)(II); 11 CFR 100.7(b)(14) and 100.8(b)(15). For purposes of this exemption, the Root-Tilden program is considered Mr. Koenig's "regular employer" because: 1) he would receive the scholarship stipend whether he worked for the Committee or for some other organization that met the Root-Tilden program's criteria and 2) the scholarship funds are taxed as income to him.

Additionally, Mr. Koenig would not be making a contribution to the Committee if he provided other services commensurate with the $50 per week he is being paid by the Committee or if he provided volunteer services (i.e., services not compensated by anyone). 2 U.S.C. §431(8)(B)(i). (Date issued: May 20, 1982; Length: 4 pages)

AO 1982-32: Qualification of Former Draft Committee as Multicandidate Committee

The Jackson Can Win Committee (the Committee), an unauthorized draft committee organized in August 1980 to advocate the Presidential candidacy of Senator Henry Jackson (D-Oregon), currently qualifies as a multicandidate committee under the Act and Commission Regulations. See 2 U.S.C. §441a(a)(4) and 11 C.F.R. 100.5(e)(3). The Committee may therefore contribute up to $5,000 per election to Senator Jackson's reelection campaign, as well as to the campaigns of other federal candidates. 2 U.S.C. §441a(a)(6); 11 CFR 110.1(a)(2). As an **unauthorized** committee, the Committee must, however, exclude Senator Jackson's name from its title and file an amended Statement of Organization (FEC Form 1) reflecting this change. 2 U.S.C. §432(e)(4); 11 CFR 102.14(a).

The Commission noted that, although the Committee had filed an amended Statement of Organization in April 1982 indicating that it supported more than one federal candidate, the Committee qualifies for multicandidate status now because the six-month qualification period dates from the time a political committee files its **original** Statement of Organization (in this case, in 1980). (Date issued: May 14, 1982; Length: 2 pages)

AO 1982-33: Disposal of Former Candidate's Excess Campaign Funds and Assets

The Williams Project '76 (the Committee), the principal campaign committee of former Senator Harrison Williams (D-New Jersey), may donate all its "excess campaign funds," i.e., remaining cash and assets, to Mr. Williams for his personal use. Although the 1979 Amendments to the Act prohibit candidates from converting excess campaign funds to personal use, the amendments exempt from this provision individuals, such as Mr. Williams, who were members of Congress on January 8, 1980.

Before it terminates, the Committee must disclose how the remaining cash and assets will be used. It may, however, file this information and terminate on the same report. 11 CFR 102.3. (Date issued: May 20, 1982; Length: 2 pages)

AO 1982-37: Donations for Legal Expenditures Related to Reapportionment

Donations made to California Congressmen for expenses of litigation related to the California legislature's reapportionment decisions would not constitute "contributions" subject to the Act's monetary limits because the funds will not be used to influence federal election activity. The Congressmen must, however, keep the donations strictly segregated from contributions received by their authorized campaign committees. Chairman Frank P. Reiche and Commissioner Thomas E. Harris filed concurring opinions. (Date issued: May 27, 1982; Length: 4 pages, including concurring opinions)

PUBLICATIONS

1971 FECA LEGISLATIVE HISTORY AVAILABLE

During June, the Commission announced the availability of The 1971 Legislative History of the Federal Election Campaign Act (the Act). The clothbound volume, which contains an indexed history to the 1971 Act, includes: the Congressional debates on the Act; copies of all Senate and House reports and bills related to the Act; and the text of the Public Law (No. 92-225) subsequently codified at Titles 2, 18, 26, 39 and 47 of the U.S. Code.

The 1971 Legislative History of the Federal Election Campaign Act is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; telephone 202/275-2091. The order number is 052-006-000-22-8. Purchase price, payable in advance to the Superintendent of Documents, is $26 (in the U.S.) and $32.50 (outside the U.S.).

STATISTICS

FEC RELEASES FINAL STATISTICS ON 1979-80 CONGRESSIONAL RACES

Campaigns waged by successful candidates for U.S. Senate and House seats accounted for approximately half of the total money raised and spent by all 1980 Congressional campaigns. The same successful candidates received 67.6 percent of all nonparty/noncandidate committee contributions to Senate and House campaigns.

These figures were taken from the FEC's Final Report on Financial Activity for 1979-80 U.S. Senate and House Campaigns, released on March 7, 1982. The report shows that the 34 candidates who won election to the Senate raised a total of $41.7 million, spent $40 million and received $10.2 million from nonparty/noncandidate committees to finance their primary and general election campaigns. Their counterparts in the House (440 candidates) raised $86 million, spent $78 million and received $27 million from nonparty/noncandidate committees. Comparable figures for the 1977-78 election cycle showed that 35 Senate winners raised $43 million, spent $42.3 million and received $6 million from nonparty/noncandidate committees. House winners (438 candidates) raised $60 million, spent $55.6 million and received $17 million from nonparty/noncandidate committees.

The chart compares activity for the 1977-78 and 1979-80 election cycles. Receipt and disbursement figures for the campaigns have been adjusted for transfers between all the committees of a campaign. Additional summary information on individual candidates is also available in an FEC press release issued on March 7, 1982, available from the FEC's Office of Public Records.

Copies of the 1979-80 Final Report, Reports on Financial Activity for U.S. Senate and House Campaigns may be purchased for $5 from the Public Records Office of the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Computer tapes of the study are also available from the Data Systems Development Division. The cost of a computer tape is $65.

Congressional campaigns received a total of $47.5 million in contributions of $500 or more from **individuals** during 1979-80. They also received $55.2 million from nonparty/noncandidate committees. Major party committees gave the campaigns $6 million in contributions. They also made coordinated (§441a(d)) expenditures on behalf of the candidates in the general election, which totaled $9.2 million.

The chart below provides information on the campaigns of candidates who won primary campaigns and went on to wage general election campaigns.

FINANCIAL ACTIVITY* OF CONGRESSIONAL CANDIDATES

Type of Candidates	Number Of Candidates 1977-1978	Raised	Spent	Number Of Candidates 1979-1980	Raised	Spent
All Senate & House	1079	$158.2	$153.5	1216	$201.5	$192.1
Senate Candidates	111	66.0	65.5	123	76.9	75.2
House Candidates	968	92.2	88.0	1093	124.6	116.9
Democrats	463	76.2	73.2	465	102.0	97.2
Republicans	417	80.8	79.1	439	98.1	93.5
Other Parties	199	1.2	1.2	312	1.4	1.4
Incumbents	401	75.0	71.7	424	106.8	99.0
Challengers	517	46.2	45.7	674	67.4	66.4
Open Seat Races	161	37.0	36.1	118	27.3	26.7

---

*Figures are in millions of dollars.

THE LAW IN THE COURTS

FEC v. HALL-TYNER ELECTION CAMPAIGN COMMITTEE

On May 6, 1982, the U.S. Court of Appeals for the Second Circuit issued an opinion in FEC v. Hall-Tyner Election Campaign Committee (Civil Action No. 81-6229). The appeals court upheld an earlier ruling by the U.S. District Court for the Southern District of New York that the recordkeeping and disclosure requirements of the Act, as applied to the Hall-Tyner Campaign Committee (the Committee), would abridge First Amendment rights of the Committee's supporters.* (The Committee was the principal campaign committee for the 1976 Presidential nominees of the Communist Party, U.S.A.)

The FEC's suit arose from an unresolved compliance matter involving the Committee's failure to keep records of, or to disclose on its reports, the names and addresses of certain contributors who had elected to remain anonymous. In affirming the district court's decision, the appeals court found that the Committee had met the standard set forth in Buckley v. Valeo for exempting minor parties from the Act's disclosure requirements; i.e., the Committee had demonstrated a "reasonable probability" that disclosure of the names of its contributors would subject them to governmental or private harassment. Buckley v. Valeo, 424 U.S. at 72-74. Moreover, the appeals court cited the Court's holding in Buckley that the governmental interest served in disclosing the source and amount of contributions (i.e., "the undue influence of large contributions on officeholders") is less substantial in the case of a minor party with little chance of winning an election. Id. at 70. The appeals court concluded, therefore, that the governmental interest served in obtaining information on the Committee's contributors did not justify the chilling effect that disclosure would have on their First Amendment rights of free association.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between March 29 and June 1, 1982. Final audit reports are available to the general public in the Public Records Office.

1. Indiana Democratic Congressional Victory Committee (Final audit report released March 29, 1982)
2. Friends of Assemblyman Richard Robinson Committee (Final audit report released March 29, 1982)
3. Connecticut Democratic Presidential Committee (Final audit report released April 13, 1982)
4. Nebraska Democratic State Central Committee (Final audit report released April 23, 1982)
5. Life Amendment Political Action Committee (Final audit report released May 3, 1982)
6. Kansas Democratic State Committee (Final audit report released May 10, 1982)
7. American Party (Final audit report released June 1, 1982)

CHANGE OF ADDRESS

Political Committees

Registered political committees are automatically sent the Record. Any change of address by a registered committee must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization) and filed with the Clerk of the House, the Secretary of the Senate, or the FEC, as appropriate.

Other Subscribers

Record subscribers (who are not political committees), when calling or mailing in a change of address, are asked to provide the following information:

1. Name of person to whom the Record is sent.
2. Old address.
3. New address.
4. Subscription number. The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

---

*For a detailed summary of the district court's decision, see page 5 of the November 1981 Record.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/8-8

NEWARK PUBLIC LIBRARY
JUN 3 [illegible]
U. S. GOVT. PUBS.
DEPOSITORY 37

THE FEDERAL ELECTION COMMISSION

RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 8

August 1982

INFORMATION

BALLOT ACCESS EXEMPTIONS DELINEATED

On June 9, 1982, the Commission approved a recommendation by the Office of General Counsel delineating the types of ballot access fees, required of candidates for federal office, that would be exempt from the Act's definitions of "contribution" and "expenditure." (See 2 U.S.C. §§431(8)(B)(xiii) and 431(9)(B)(x).) The exemptions are limited to fees mandated or permitted by state laws or by party rules prior to placing a candidate's name on the ballot. The exemptions include, for example, filing fees and costs incurred for verifying petition signatures. The fees and other costs covered by the exemptions vary, therefore, from state to state, depending on state laws and party rules.

The mandatory filing fee falls within the exemptions regardless of whether the candidate pays it to a party committee (which, in turn, transfers it to an election official) or pays it directly to a state official.

800 LINE

The following article, prepared in response to inquiries from the public, describes how citizens may use the Federal Election Commission's campaign finance reports and computer indexes to answer questions they have about the campaign finance activities of political committees and candidates **involved in Federal elections.** After each question are listed the types of campaign finance reports and indexes which contain information that would answer the question. Note that the computer indexes provide detailed campaign finance information beginning with the 1977-78 election cycle. In addition, microfilm cartridges contain information dating back to the 1972 elections. These microfilmed reports and statements are the Commission's official record of campaign finance information. Researchers should therefore use the microfilmed public record as their principal research tool, supplemented by the computer indexes and other FEC documents that summarize this information.

All the information listed in this article is available for review and copying in the FEC's Public Records Office (see p. 7).*

INFORMATION ON CANDIDATES**

Who is running for federal office in my Congressional district or state?

-- Computer Index A (arranged by type of office sought) lists all candidates within a state and Congressional district. The A Index also gives each candidate's party affiliation.

-- FEC files, arranged by state and Congressional district, contain this same information on The Statement of Candidacy (FEC Form 2) filed by each candidate.

-- Separate listings provided periodically by each Secretary of State's Office identify all the individuals on a state's ballot.

continued on p. 5

---

*The federal election law places restrictions on the use of information copied from campaign finance reports and statements. They "may not be sold, or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committees." 2 U.S.C. §438(a)(4).

**Information is provided for: 1) those individuals who have attained candidate status under the Act, i.e., individuals campaigning for federal office who have raised contributions or made expenditures aggregating over $5,000 and 2) those individuals who have not attained candidate status, but who have nevertheless chosen to register with the FEC or whose names appear on state ballots.

Y3.EL2/3:

OPINIONS

ADVISORY OPINION INDEX AVAILABLE

An updated edition of the Commission's cumulative Index to Advisory Opinions is now available. The June 1982 Index includes three parts: a subject index and an index by U.S. Code, both covering all opinions issued from April 1975 through May 1982; and an index by FEC Regulations covering opinions from 1977.

Requests for the Index to Advisory Opinions should be addressed to the FEC's Office of Public Records. Purchase price (for duplication costs) is $7.45, payable in advance. Checks, made payable to the Federal Election Commission, should be sent to the FEC's Office of Public Records.

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-45	Affiliated status of two public works organizations for purposes of PAC solicitations. (Date made public: June 24, 1982; Length: 10 pages)
1982-46	Political committee status for a state PAC that has contributed to a federal PAC; segregation of contributions for federal elections. (Date made public: June 25, 1982; Length: 2 pages)

PUBLIC APPEARANCES

Date	Sponsoring Organization
8/8/82	American Bar Association Annual Meeting, Committee on Election Law San Francisco, California Commissioner Joan D. Aikens

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1982-8: Receipt and Disbursement of Credit Units by PAC Established in Barter Industry

BARTERPAC, the separate segregated fund of the International Association of Trade Exchanges (the Association), may solicit contributions in the form of credit units from the solicitable personnel of the Association's member barter firms. BARTERPAC may then contribute the credit units directly to federal candidates or use the units to purchase goods and services for them.

The Association is a trade association representing for-profit commercial barter firms. Each of the barter firms functions as the organizer of a marketplace in which the barter firm's members exchange goods and services on a barter basis. The barter firms use a credit unit to denote receivable goods and services due in barter transactions. The value, in credit units, of any given services or goods is equal to its fair market value at the time the credit units are exchanged. The barter firms earn their income from commissions that represent a percentage of the gross value of each transaction. Under these circumstances, the transactions proposed by BARTERPAC would be subject to the requirements of the Act detailed below.

Contributions and Expenditures of Credit Units

For purposes of the Act, BARTERPAC may value the credit units it receives at $1 each (since the purchasing power of each credit unit is, in fact, less than $1). If BARTERPAC contributes credit units to candidates (who subsequently exchange them for services or goods), the value is again determined on the basis of $1 per credit unit. The vendor, in turn, may provide the candidate with goods or services whose value equals the candidate's credit units. If, however, the value of the goods or services exceeds the credit units offered by the candidate, the vendor will have made a contribution in-kind.

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

As another alternative, BARTERPAC may itself exchange credit units for actual goods and services which, in turn, it contributes to a candidate. This transaction constitutes a typical contribution in-kind whose value is determined by the fair market value of the goods or services provided. Under these circumstances, it is not appropriate to rely on the accounting convention that each credit unit equals $1.

All Commission regulations regarding the reporting of receipts and disbursements apply to the receipt and disbursement of credit units.

Commissions Paid for Exchanges

The party that actually exchanges the credit units for goods and services -- either BARTERPAC or the candidate -- must pay the commission required by the barter firm for this service. The amount of the commission does not increase or decrease the value of the contribution. Other fees required by participants in barter transactions would be subject to similar treatment.

Note that, to avoid making an in-kind contribution to either BARTERPAC or the candidate to whom BARTERPAC has contributed, the vendor who provides goods or services in exchange for credit units must provide them at their fair market value. Similarly, any commission charged by a barter firm must be the usual and normal charge to avoid a contribution from the firm to either BARTERPAC or the candidate's committee. (Date issued: June 18, 1982; Length: 10 pages)

AO 1982-34 Payroll Deduction Plan Sponsored by Foreign Subsidiaries of U.S. Corporation

Foreign subsidiaries of Sonat Offshore Drilling, Inc. (Offshore) may sponsor payroll deduction plans for their American executive and administrative personnel, provided that neither the foreign national subsidiary nor its foreign national personnel exercise any control over the solicitation or ultimate use of the contributions. Contributions collected through the payroll deduction plans may then be forwarded to Sonat PAC, the separate segregated fund of Offshore's parent corporation, Sonat, Inc. (a domestic corporation). The foreign subsidiaries' system for soliciting contributions to Sonat PAC is permissible because:

1. A U.S. citizen employed in a foreign country may lawfully make contributions to the separate segregated fund of a parent corporation in the U.S.
2. A parent corporation's right to solicit the eligible personnel of its subsidiaries (and their subsidiaries) is not affected by the status of the subsidiaries as foreign nationals, provided the personnel solicited are not foreign nationals.
3. Costs incurred by the foreign subsidiaries in establishing and administering the plans constitute solicitation expenses exempt from the Act's definition of "contribution" and are not, therefore, prohibited by 2 U.S.C. §441e.

Commissioner Thomas E. Harris filed a dissenting opinion with which Commissioner Danny L. McDonald concurred. (Date issued: June 9, 1982; Length: 6 pages, including dissenting opinions)

AO 1982-35: Legal Expense Fund for Contesting Possible Denial of Primary Ballot Access

Mr. Al Hopfman, a Democratic candidate seeking nomination to the Senate from Massachusetts, may establish a special legal expense fund to challenge the constitutionality of a Massachusetts Democratic Party rule that might deny him access to the state's primary election ballot. (Under the rule, Mr. Hopfman must receive at least 15 percent of the votes cast at the party's nominating convention to obtain ballot access.) Accordingly, since the fund will be used to test a rule that could preclude Mr. Hopfman's participation in a federal election rather than to influence the outcome of a federal election, donations to the fund would **not** constitute contributions subject to the Act's monetary limits.

The Commission distinguished this opinion from AO 1980-57, which held that funds raised for litigation that had sought to remove a candidate's potential opponent from the ballot constituted contributions. In that instance, the candidate's litigation could have influenced the outcome of a federal election by eliminating the voters' opportunity to cast votes for his opponent. Commissioner Thomas E. Harris filed a concurring opinion. (Date issued: June 9, 1982; Length: 14 pages, including concurring opinion)

AO 1982-36: Merger of Trade Association PACs; Fundraising Items Donated by Corporate Members

Upon completion of the merger of the "XYZ Trade Association" with the National Audio-Visual Association, Inc. (NAVA), NAVA may transfer the remaining assets of XYZ's separate segregated fund (XYZ-PAC) to NAVA's own separate segregated fund, the Audio-Visual Communications Fund (AVC Fund), and terminate XYZ-PAC. In a separate transaction, NAVA's corporate members may donate merchandise to AVC Fund for use as fundraising prizes in conjunction with solicitations at NAVA's annual meeting. The transactions are subject to the requirements detailed below.

Merger of XYZ-PAC and AVC Fund

With the merger of their parent trade associations, AVC Fund and XYZ-PAC will become affiliated political committees. 11 CFR 100.5(g)(2). Since FEC Regulations impose no limits on the transfer of funds between affiliated committees, XYZ-PAC may then transfer all its remaining funds to AVC Fund. 11 CFR 102.6(a). Before terminating, XYZ-PAC must report this transfer. It may, however, disclose the transfer and terminate on the same report. 11 CFR 102.5.

Fundraising Items Donated by Corporate Members

Merchandise donated to AVC Fund by NAVA's corporate members for use as fundraising items

continued

(e.g., raffle, door and lottery prizes) are considered solicitation expenses exempt from the Act's definition of contribution. 2 U.S.C. §441b(b)(2)(C). AVC Fund and NAVA must, however, ensure that the fundraising items are not disproportionately valuable to the contributions they generate. Commission Regulations provide that a "reasonable practice to follow" is for the separate segregated fund to reimburse its sponsoring organization for costs which exceed one-third of the money contributed. 11 CFR 114.5(b)(2). See also AOs 1981-40 and 1981-7. AVC Fund and NAVA must also comply with all other relevant provisions of the Act and Commission Regulations, particularly those governing trade association solicitations. 2 U.S.C. §441b(b)(4)(D); 11 CFR 114.8.

The Commission cautioned that, if the corporate members' donations were used to defray a significant portion of AVC Fund's solicitation costs, a question might arise as to whether the corporate members' separate segregated funds were affiliated with AVC Fund. (Under the Act, affiliated committees are subject to a single limit on both contributions they receive and contributions they give. 2 U.S.C. §441a(a)(5).) Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: June 9, 1982; Length: 5 pages, including dissent)

AO 1982-38: Accounting Method for Contributions Made by County Party Organizations to Senate Campaign

The Committee to Re-Elect Senator Moynihan (the Committee) may not accept contributions from New York county Democratic organizations (not registered under federal election law). The contributions would not be lawful under the Act because, while the county organizations can ensure, at the close of the reporting period, that they will have sufficient lawful funds to make contributions, the organizations cannot be certain that they will have sufficient lawful funds at the time they make the contributions.

Under New York election law, the county organizations may accept corporate donations prohibited under the Act. Commission Regulations stipulate that, under these circumstances, an unregistered organization supporting a federal candidate must demonstrate through a reasonable accounting method that it has **sufficient** funds to make a contribution permissible under the Act. Moreover, the candidate receiving the contribution must assume responsibility for determining that the contribution comes from permissible sources.

The proposed accounting method is not acceptable because the county organizations cannot be certain that they will have sufficient lawful funds **at the time they make contributions to the Committee.** A county organization's lack of knowledge, one way or the other, concerning the availability of permissible funds at the time a contribution is made does not fulfill the affirmative obligation imposed on both the county organization and the Committee to determine whether a contribution is permissible. (Date issued: June 25, 1982; Length: 4 pages)

AO 1982-39: Excess Funds Transferred Between Senate Candidate's 1980 Committee, 1986 Committee and Presidential Testing-the-Waters Committee

Senator Alan Cranston's 1986 Senate campaign committee (the 1986 committee) may transfer excess campaign funds of his 1980 Senate campaign, which had been transferred to the 1986 committee in 1981, back to the 1980 committee. The 1980 committee may, in turn, transfer the excess funds, as needed, to a committee authorized by Senator Cranston to test the feasibility of his potential Presidential candidacy in 1984 (the testing-the-waters committee). Commission Regulations place no limit on the transfer of funds between a candidate's current and former campaign committees. 11 CFR 110.3(a)(2)(iv). (All funds transferred must, however, be reported according to procedures spelled out in the Act and Commission Regulations. See 2 U.S.C. §434 and 11 CFR 104.1 et seq.) Moreover, excess campaign funds may be used for any lawful purpose, including testing-the-waters activities. 2 U.S.C. §439a.

Since contributions made to a previous campaign **before** the date of the election do not count against a donor's limits for any future election, contributions to the 1980 committee that are contained in the transferred funds do not count against the donor's contribution limits for either Senator Cranston's 1986 Senate campaign or his 1984 Presidential campaign, should he become a Presidential candidate. Donations made directly to the testing-the-waters committee would, however, count against the donor's limits for Senator Cranston's 1984 Presidential campaign, should he become a candidate.

The Commission expressed no opinion on the application of Senate rules or income tax laws to the proposed transactions because they are outside its jurisdiction. (Date issued: June 25, 1982; Length: 3 pages)

AO 1982-41: Mailing Lists Exchanged Between Campaign Committee and Other Organizations

The exchange of mailing lists between the Committee for Congressman Ron Dellums (the Committee) and several other organizations will not result in contributions to the Committee from the organizations. Under a proposed plan, the Committee will provide a list of 5,000 names to organization A, which, in turn, will give its list of 5,000 names to organization B, which will provide 5,000 names to the Committee. This multiparty exchange of mailing lists represents an acceptable type of commercial transaction because:

1. Such multiparty exchanges are considered routine and usual practice in the list brokering industry; and

2. As stated in the advisory opinion request, all mailing lists exchanged between the Committee and the three organizations will be of equal value, as determined by industry practice. (Date issued: June 9, 1982; Length: 3 pages)

800 LINE

(continued from p. 1)

How may I obtain a candidate's full name and address, as well as the name and address of his/her campaign committee?

-- Computer Index A gives a candidate's full name and address.

-- Computer Index 93 gives the name and address of a candidate's principal campaign committee, as well as any other committees authorized by a candidate.

-- FEC Form 1 (Statement of Organization) and FEC Form 2 (Statement of Candidacy) provide this same information.

How much money did a candidate raise and spend in a former campaign?

-- The FEC's Reports on Financial Activity contain information on receipts and disbursements for all federal candidates during the 1977-78 and 1979-80 election cycles. (Receipt and disbursement figures in the Reports on Financial Activity series, unlike the figures in the computer indexes and campaign finance reports, have been adjusted for transfers between committees.)

-- Computer Index E contains information on total receipts and disbursements for individual federal candidates during the 1977-78, 1979-80 and 1981-82 election cycles.

-- The FEC's Disclosure Series Nos. 6 and 9 contain information on total adjusted receipts and disbursements for the general election campaigns of all House and Senate candidates during the 1975-76 election cycle.

-- The first and second pages of a campaign's year-end report include totals for financial activity during that year.

How may I compare a candidate's past campaign activity with the past campaign activity of other candidates in the same Congressional district or state?

Since information in the Reports on Financial Activity series (see above) is arranged by state, the researcher may easily compare all the campaigns within a Congressional district or state during 1977-78 or 1979-80. Disclosure Series Nos. 6 and 9 provide information for the 1975-76 election cycle.

How much money has a candidate raised or spent in his/her current campaign?

-- Computer Index E lists the total receipts and disbursements for a candidate's campaign (based on all reports filed with the FEC during the election cycle).

-- The first and second pages of the most recent report filed by a candidate's campaign contain year-to-date totals for campaign finance activity. The report also includes detailed information on receipts and disbursements for the period covered by the report.

How does a candidate's current campaign compare with the campaigns of other candidates running for the same office?

Using the A Index to determine the names of all the candidates running for office within a state or Congressional district, the researcher may then:

-- Use the E Index to determine each candidate's total receipts and disbursements.

-- Examine reports filed by each candidate's campaign committee to obtain more detailed information on his/her campaign finance activity.

Who has given or loaned money to a candidate?

-- The campaign finance reports of a candidate's campaign (FEC Form 3, Schedule A) itemize any contributions from an individual which have totaled over $200 a year. Contributions from political party committees and PACs* and any loans to the candidate (including bank loans) are itemized on Schedule A, regardless of amount. Any outstanding loans are also itemized on Schedule C of a campaign's reports.

-- Computer Index G (arranged by campaign name) lists all individuals who have made a contribution of $500 or more to a candidate's campaign. Another listing of the G Index (arranged alphabetically by contributor) shows **all** individuals throughout the United States who have made a contribution of $500 or more to any federal candidate. This listing also identifies the candidate to whom an individual has contributed, as well as the date and amount of the contribution.

Are other types of campaign support cross-referenced on computer indexes?

Yes. Computer Index E lists:

-- Contributions made to a candidate's campaign by political action committees (PACs) and political party committees.

-- Independent expenditures made by individuals, groups and political committees to ad-

continued

---

*PAC is a popular term used to define all political committees that have not been authorized by candidates or political parties. The term includes separate segregated funds sponsored by corporations and labor organizations, as well as political committees without any sponsoring organization.

vocate a candidate's election or defeat. (These expenditures are **not** coordinated with the candidate or any agent or aide associated with his/her campaign. See 2 U.S.C. §431(17) and Commission Regulations at 11 CFR 109.1(a).) In addition, three Independent Expenditure Indexes, produced monthly, provide summary and detailed information on all PAC expenditures made for and against candidates.

-- Special "coordinated" expenditures made by political party committees on behalf of a candidate. (These limited expenditures are made by political party committees on behalf of federal candidates in general elections. See 2 U.S.C. §441a(d) and Commission Regulations at 11 CFR 110.7.)

-- Partisan communications* made by unions and corporations on behalf of, or in opposition to, a candidate.

May more detailed information on sources of campaign support be obtained from reports filed by political committees and individuals?

Yes. Reports filed by PACs, political party committees and individuals list:

-- Contributions by political party committees and PACs, which are itemized on FEC Form 3X, Schedule B, filed by these committees.

-- Independent expenditures, which are reported by an individual on FEC Form 5 and by political committees on FEC Form 3X, Schedule E.

-- Special coordinated expenditures made by political party committees, which the committees report on FEC Form 3X, Schedule F.

-- Partisan communications made by unions and corporations, which they report on FEC Form 7 when their total communication costs exceed $2,000 per election.

How is a candidate spending his or her campaign funds?

Reports filed by a candidate's campaign committee (FEC Form 3, Schedule B) itemize any expenditures that, in the aggregate, exceed $200 per year to a particular vendor or organization.

What other documents does the Commission make available concerning candidates' campaign activity?

-- Index to Advisory Opinions and copies of opinions issued by the Commission.

-- MURS (closed compliance actions and index).

-- Audits (GAO 1972-74, FEC 1975-present).

-- Court cases.

-- A consolidated card index also lists candidates, organizations and other persons who have received FEC advisory opinions, who have been respondents (or complainants) in enforcement actions or who have been audited. The index is arranged in alphabetical order by the last name of the person or the name of the organization. The index also cross-references names of candidates and states appearing in an organization's title.

INFORMATION ON POLITICAL ACTION COMMITTEES (PACs)*

How much money has a PAC raised and spent?

-- A PAC's reports (FEC Form 3X, pages 1 and 2) summarize its receipts and disbursements for the reporting period covered and give year-to-date totals.

-- Computer Index C lists a PAC's receipts and disbursements for each reporting period within an election cycle and gives the total receipts and disbursements for the election cycle to date.

-- The FEC's Reports on Financial Activity contain information on receipts and disbursements for all PACs supporting federal candidates during the 1977-78 and 1979-80 election cycles.

-- FEC press releases, issued periodically, provide summary information on PAC receipts and disbursements.

What candidates has a PAC supported?

-- A PAC's reports (FEC Form 3X, Schedule B) list candidates to whom the PAC has made contributions.

-- A PAC's reports (FEC Form 3X, Schedule E) show independent expenditures the PAC has made for or against a given candidate.

-- Computer Index D (arranged by PAC name) lists candidates who have received contributions and contributions in-kind** from a given PAC. The D Index also shows any independent expenditures made by a PAC to advocate a candidate's election or defeat.

---

*A corporation or labor organization may engage in certain partisan communications, provided the communications are made only to the organization's restricted class of individuals. (See Part 114 of Commission Regulations.) Note that the rules governing corporate partisan communications apply to a broad range of incorporated organizations, including national banks, corporations with capital stock and incorporated membership organizations (i.e., incorporated trade associations, corporations without capital stock and incorporated cooperatives).

*PAC is a popular term used to define all political committees that have not been authorized by candidates or political parties. The term includes separate segregated funds sponsored by corporations and labor organizations, as well as political committees without any sponsoring organization.

**Contributions in-kind include services, goods and property given to a political committee free or at less than the usual charge.

Do several PACs support the same candidate or candidates?

-- Computer Index E identifies all the political committees that have contributed to, or spent money on behalf of or against, a particular candidate.

-- Computer Index Combined D can be used to identify all the candidates to whom a group of PACs (selected by the researcher) have contributed. This index also shows total independent expenditures the PACs have made on behalf of, or against, the candidates.

Who has contributed to a PAC?

-- A PAC's reports (FEC Form 3X, Schedule A) list each individual whose combined contributions have totaled over $200 a year to the PAC.

-- Computer Index G lists any individual giving a contribution of $500 or more to a PAC. The G Index also lists contributions from other political committees to a PAC, regardless of amount.

Does a PAC qualify as a multicandidate committee?*

-- A computerized Multicandidate Committee Index, published monthly, identifies qualified multicandidate committees, the date they qualified for multicandidate status, and their connected organizations, if any.

-- Computer Index B for PACs (arranged alphabetically by committee name) notes PACs that have attained multicandidate status and indicates each PAC's address, treasurer and identification number.

If a PAC is a separate segregated fund, what corporation or labor organization has sponsored it?

-- A computerized Sponsor-Committee Index lists sponsors (i.e., the parent organizations) and identifies their separate segregated funds.

-- A computerized Committee-Sponsor Index lists separate segregated funds and then gives the sponsors' names.

-- Computer Index B (arranged alphabetically by PAC name or by state) also provides this same information.

-- FEC Form 1 (the Statement of Organization), filed by each PAC, gives the name of the sponsoring organization, the kind of organization it is and identifies any affiliated PACs.

INFORMATION ON POLITICAL PARTY COMMITTEES*

Which political party committees are active in my state?

Computer Index B (which arranges all registered political committees by state) includes listings of registered political party committees within each state.

Who are the major contributors to a political party committee?

-- A political party committee's reports (FEC Form 3X, Schedule A) list each individual whose combined contributions have totaled over $200 to the committee during the year. Contributions from other political party committees and PACs are also itemized on Schedule A, regardless of amount.

-- Computer Index G lists any individual who has made a contribution of $500 or more to a political party committee. It also lists contributions from other political party committees and PACs, regardless of amount.

Which candidates has a political party committee supported?

-- Computer Index D lists contributions made to candidates by political party committees (including contributions in-kind) and any special coordinated expenditures they have made on behalf of candidates.

-- This same information may be obtained by reviewing each political party committee's reports (FEC Form 3X). For example, Schedule B of Form 3X shows any contributions, contributions in-kind or loans a committee has made to candidates. Schedule F shows any special coordinated expenditures a committee has made on behalf of candidates.

HOW TO OBTAIN INFORMATION

The documents listed in this article may be obtained from the Public Records Office, located at 1325 K Street, N.W., Washington, D.C. 20463. Those outside the Washington area may request documents by phone or mail. When identifying the documents you want, please try to include as much information as possible, such as the full name of the political committee reporting, the date or type of report or document desired, and your address and telephone number. The Commission charges five cents per page for copies from paper files and 10 cents per page for copies from microfilm. Checks for orders should be made payable in advance to the FEC. For more information, call the Public Records Office at 202-523-4181 or toll free 800-424-9530.

---

*A qualified multicandidate committee is permitted to contribute $5,000 per candidate, per election. See Commission Regulations at 11 CFR 100.5(e)(3).

*Information is provided only for: 1) those political party committees that have attained political committee status under the Act and 2) those political party organizations which have **not** attained political committee status under the Act, but which have nevertheless chosen to register with the FEC.

STATISTICS

INDEPENDENT EXPENDITURES APPROACH $2 MILLION DURING 1981-82 ELECTION CYCLE

During the first 15 months of the 1981-82 election cycle, independent expenditures made to influence the outcome of 1982 Congressional campaigns totaled $1.9 million* -- an amount approaching to the $2.3 million spent independently during the entire 1979-80 election cycle for U.S. Senate and House campaigns. (Under the federal election law, individuals or groups may spend unlimited funds advocating the election or defeat of federal candidates as long as these expenditures are made independently, i.e., without cooperation or consultation with the candidate or his/her campaign.)

Preliminary data released by the FEC on June 23, 1982, showed that 98 percent of the independent expenditures made on behalf of Congressional candidates between January 1, 1981, and March 31, 1982, advocated their defeat. The expenditures were made to oppose forty-four candidates running for office in 1982.

During the entire 1979-80 Presidential election cycle, on the other hand, approximately $16 million was spent independently. Most of this amount, $13.7 million, was spent to influence the outcome of Presidential elections. Of the remaining $2.3 million spent on U.S. Senate and House candidates, 59 percent was spent to advocate their defeat.

The information released by the FEC was obtained from three different indexes on independent expenditures which showed the independent expenditure activity of 23 nonparty/noncandidate committees and four other political committees. (To date, no reports have been filed by individuals making independent expenditures.) The indexes will be released monthly through 1982.

Chart I below lists those political committees that made the largest independent expenditures from January 1, 1981, through March 31, 1982. Chart II lists the candidates for or against whom the most money was spent.

CHART I
COMMITTEES REPORTING LARGEST INDEPENDENT EXPENDITURES

Political Committee	Amount Spent
National Conservative Political Action Committee	$1,872,111
Independent Action	42,820
Life Amendment Political Action Committee, Inc.	28,692
Democrats for the 80's, Inc.	20,104
League of Conservation Voters	14,318
Ohio Right to Life Society Inc., PAC	7,820
NRA Political Victory Fund	5,571
Progressive Political Action Committee (PROPAC)*	4,802
Californians for Better Leadership	4,388
UAW-V-CAP (United Auto Workers)	3,408

*Parentheses indicate sponsoring organizations.

CHART II
CANDIDATES FOR OR AGAINST WHOM MOST INDEPENDENT EXPENDITURES WERE MADE

Candidate	Spending For	Spending Against
Senate		
Edward M. Kennedy (D-MA)	$ 500	$545,607
Paul S. Sarbanes (D-MD)	20,634	406,038
John Melcher (D-MT)		100,046
Robert C. Byrd (D-WV)		90,930
Lowell P. Weicker, Jr. (R-CT)		87,090
Daniel P. Moynihan (D-NY)		60,665
*John C. Culver (D-IA)	10,930	401
Jesse Helms (R-NC)		11,199
Orrin Hatch (R-UT)		10,705
Harrison H. Schmitt (R-NM)		10,705
Malcolm Wallop (R-WY)		10,705
House		
Jim Wright (D-TX)		$216,960
James R. Jones (D-OK)		115,540
Dan Rostenkowski (D-IL)		57,507
Robert W. Edgar (D-PA)	$ 3,705	8,754
Paul Simon (D-IL)		8,048
Raymond P. Kogovsek (D-CO)		7,521
Stephen L. Neal (D-NC)		7,390
Neal Smith (D-IA)		7,389
James J. Florio (D-NJ)		7,101
Les Aspin (D-WI)		6,054

*These independent expenditures were made in connection with Senator Culver's 1980 Senate campaign.

---

*Roughly another $100,000 in independent expenditures was disbursed during this same period on behalf of 1980 Presidential and Senate races.

NONPARTY/NONCANDIDATE COMMITTEE CONTRIBUTIONS EXCEED $22 MILLION DURING 1981-82 ELECTION CYCLE

Contributions made by nonparty/noncandidate political committees (PACs) to federal candidates totaled $22.8 million during the first 15 months of the 1981-82 election cycle. More than half of that amount, $16.3 million, was contributed during the 1981 nonelection year. By contrast, during the first fifteen months of the 1979-80 election cycle, nonparty/noncandidate committees contributed $14.3 million to federal candidates, of which $9.2 million was given during the 1979 nonelection year.

With regard to receipts, information released by the FEC on June 30, 1982, shows that nonparty/noncandidate committees raised a total of $109.1 million during the period from January 1, 1981, through March 31, 1982. During the same period in 1979-80, nonparty/noncandidate committees raised approximately $71.6 million. Total disbursements also varied between the two election cycles. During the first 15 months of the current cycle, these committees spent a total of $75.8 million, whereas, in the first 15 months of the 1979-80 campaign, nonparty/noncandidate committees spent $48.7 million.

To date, incumbents have received more money from nonparty/noncandidate committees than have challengers. The committees have also made more contributions to Democrats than to Republicans. Charts I and II list those nonparty/noncandidate committees that have raised the most money and made the most contributions to federal candidates so far during the 1981-82 election cycle. Chart III (p. 10) summarizes the total financial activity of nonparty/noncandidate committees during the first 15 months of the 1981-82 election cycle.

CHART I
TOP 10 POLITICAL COMMITTEE MONEY RAISERS

Political Committee	Amount Raised 1/81 - 3/82
National Congressional Club	$6,720,039
National Conservative Political Action Committee	5,879,040
American Medical Political Action Committee (American Medical Association)*	1,841,436
Citizens for the Republic	1,634,206
Realtors Political Action Committee (National Association of Realtors)	1,570,158
Fund for a Conservative Majority	1,461,239
Committee for the Survival of a Free Congress	1,408,678
National Committee for an Effective Congress	1,335,895
California Medical Political Action Committee (California Medical Association)	1,152,568
Committee for Thorough Agricultural Political Education (Associated Milk Producers, Inc.)	1,145,163

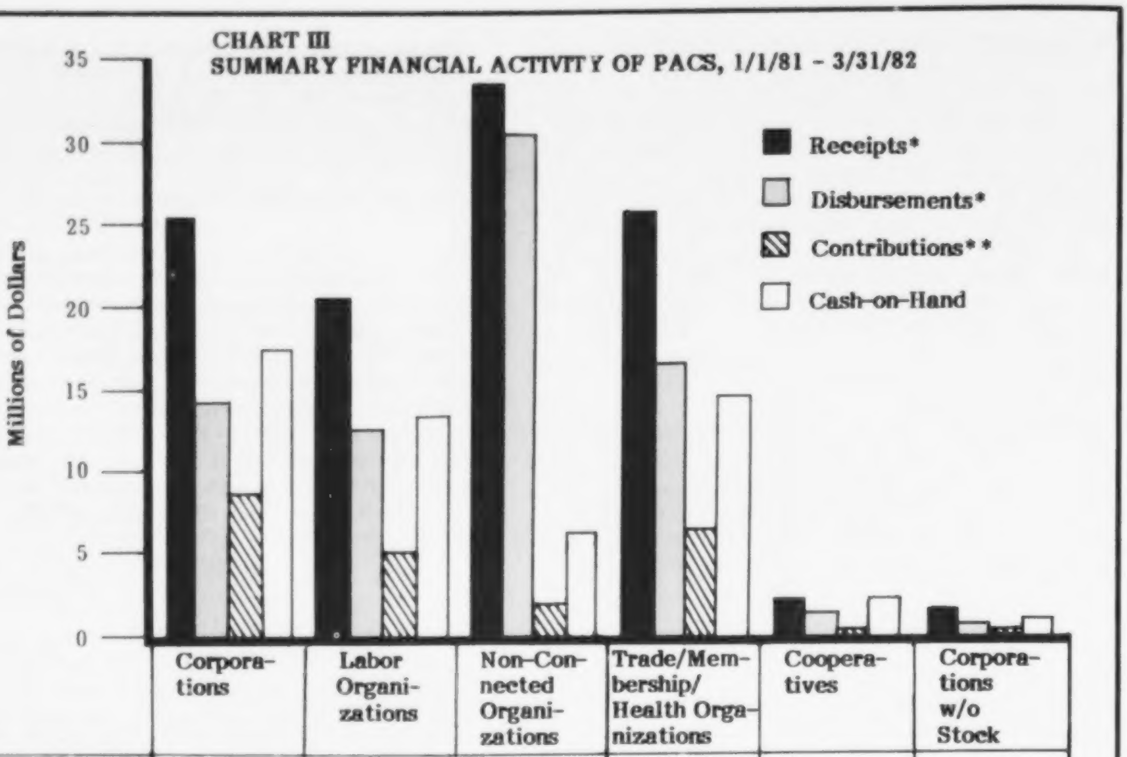
*Political committee sponsors are indicated in parentheses.

CHART II
TOP 10 CONTRIBUTORS TO CANDIDATES

Political Committee	Amount Contributed 1/81 - 3/82
American Medical Political Action Committee (American Medical Association)*	$502,596
Realtors Political Action Committee (National Association of Realtors)	293,848
Machinists Non-Partisan Political League (International Association of Machinists & Aerospace Workers)	291,150
American Bankers Association BANKPAC (American Bankers Association)	284,515
Responsible Citizens Political League-A Project of the Brotherhood of Railway & Airline Clerks (Railway Airline & Steamship Clerks)	274,722
UAW Voluntary Community Action Program (United Auto Workers)	262,945
Engineers Political Education Committee (International Union of Operating Engineers)	231,065
Seafarers Political Activity Donation (Seafarers International Union of North America)	228,625
MEBA Political Action Fund (Marine Engineers Beneficial Association)	224,704
Committee for Thorough Agricultural Political Education (Associated Milk Producers, Inc.)	213,700

*Political committee sponsors are indicated in parentheses.

CHART III
SUMMARY FINANCIAL ACTIVITY OF PACS, 1/1/81 - 3/31/82



	Corporations	Labor Organizations	Non-Connected Organizations	Trade/Membership/Health Organizations	Cooperatives	Corporations w/o Stock
Total Number of Committees*	1,450	372	739	639	48	86
Number of Committees Making Contributions	1,035	179	194	430	31	45

*Total receipts and disbursements include transfers between affiliated committees.

**Includes contributions to committees of: 1982 House and Senate candidates; and all federal candidates (for House, Senate and Presidency) campaigning in future or special elections or retiring debts of former campaigns.

***Includes total number of PACs active in federal elections at any time between January 1, 1981, and March 31, 1982. Since some committees have terminated, this figure does not represent all committees active as of March 31, 1982.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/8-9

NEWARK PUBLIC LIBRARY
SEP 30 1982
U. S. GOVT. PUBS.
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 9 September 1982

NEW YORK PRIMARY RESCHEDULED

New York will hold its primary election on September 23 instead of September 14. The new schedule for filing the 12-day pre-election report by committees supporting candidates for federal office in the primary is as follows:

Closing Date of Books	Mailing Date of Report (if sent by registered or certified mail)	Filing Date
New York Primary		
9/3/82	9/8/82	9/11/82

COMMISSIONERS

FEC COMMISSIONERS SWORN IN

On August 3, 1982, three members of the Federal Election Commission were sworn into office as Senate-confirmed Commissioners after having served six months as recess appointees. In an afternoon ceremony at the Commission, Commissioners Joan D. Aikens, Lee Ann Elliott and Danny Lee McDonald were administered the oath of office by Associate Justice Sylvia Bacon of the Superior Court of the District of Columbia.

President Reagan had nominated Commissioners Aikens and Elliott, both Republicans, on November 24, 1981, and Commissioner McDonald, a Democrat, on December 14, 1981. On December 17, after Congress had adjourned before acting on the nominations, the President named the Commissioners to recess appointments. The Senate Rules Committee held confirmation hearings in June, and the nominations were confirmed by the full Senate in July.

Commissioner Aikens, who is from Swarthmore, Pennsylvania, has been a member of the Commission since it was created in 1975. Her current term is scheduled to expire on April 30, 1983. Commissioner Elliott, from Skokie, Illinois, and Commissioner McDonald, from Sand Springs, Oklahoma, were named to terms scheduled to expire on April 30, 1987.

INFORMATION

DEBT SETTLEMENT PROCEDURES REVISED

On July 22, 1982, the Commission approved revisions to its procedures for reviewing debt settlement statements submitted by political committees that have settled debts with creditors for less than the amount owed. The revised FEC Directive No. 3, effective July 22, 1982, supersedes previous FEC directives on debt settlement procedures. The directive defines a debt settlement statement, lists the supporting documentation a committee must submit with its statement and outlines FEC review procedures to ensure the statements are in compliance with the Act and Commission Regulations. (See 2 U.S.C. §434(b)(8) and Commission Regulations at 11 CFR 100.7(a)(4) and 114.10.) Highlights of the revised procedures are provided below. More detailed information may be obtained by requesting a copy of the revised Directive No. 3 from the FEC's Public Records Office. Call 202-523-4181 or toll free 800-424-9530.

Definition of Debt Settlement Statement

A debt settlement statement is a written agreement between a committee and creditor in which the creditor agrees to forgive a debt by allowing the committee to pay less than the amount it still owes on the debt. Debt settlement statements do **not** include:

-- An agreement reached by a creditor and a committee concerning the amount of a dis-

continued

Y3. El 2/3:

puted debt, provided the committee pays the agreed-upon amount; or

-- An agreement to reduce a committee's debt when the amount originally reported as owed to the creditor is later reduced because this amount was an estimate that exceeded the actual cost of goods or services provided to the committee.

Under these two circumstances, the committee is not required to submit a statement, but reports any change in debt status on Schedule D as an amendment to its report.

Documentation for Debt Settlement Statement

In order to prevent the unpaid amount of a debt from becoming an impermissible contribution to a committee from its creditor (i.e., a prohibited contribution from a corporate creditor or an excessive contribution from a noncorporate creditor), the debt settlement statement must indicate that the creditor has made a commercially reasonable attempt to collect the debt. The committee must submit the following information as evidence of this effort:

-- Evidence that the creditor is in agreement with the terms of the debt settlement. For example, the committee may submit a letter from the creditor indicating the creditor has agreed to accept partial, rather than full, payment for the loan.

-- Steps taken by the candidate or the committee to pay off the debt. For example, the committee may provide evidence indicating the amount of the debt liquidated by the committee or any efforts made to negotiate payment with the creditor, including written correspondence with the creditor and records of phone calls made to the creditor.

-- Steps taken by the creditor to obtain payment of the debt from the committee. The committee may, for example, submit bills and correspondence from the creditor concerning the debt.

-- Terms of Credit. The debt settlement statement should indicate the amount of the outstanding debt and the amount the creditor has agreed to forgive.

Submission of Debt Settlement Statement

A political committee -- not its creditors -- should submit the debt settlement statement and any supporting documentation. When the Commission receives a debt settlement statement from a committee, it will:

-- Acknowledge receipt of the statement; and

-- Inform the committee that it must continue reporting the debt(s) until the Commission has determined that the statement is in compliance with the Act and Commission Regulations.

Note: To expedite processing of debt settlement statements, committees should submit their statements independent of other submissions and reports.

Commission Review

The Commission will review the information submitted with a debt settlement statement for completeness and will notify a committee if it requires additional information. Once the Commission has sufficient information, the Office of General Counsel will determine whether, on the face of the statement, there is an apparent violation of the Act or FEC Regulations.

A debt settlement statement and any related documents (e.g., FEC requests for additional information concerning the statement) will be placed on the public record with a committee's other reports and statements.

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-47	Candidate's three Senate primary campaigns as separate elections for purposes of contribution limits. (Date made public: August 6, 1982; Length: 3 pages)
1982-48	Coordinated (§441a(d)) expenditures made by state party committee on behalf of independent House candidate. (Date made public: August 6, 1982; Length: 1 page)
1982-49	Contributions designated for primary runoff used for expenses anticipating runoff. (Date made public: August 10, 1982; Length: 2 pages)

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

ALTERNATE DISPOSITION OF ADVISORY OPINION REQUEST

-- In response to **AOR 1982-43** (affiliated committee status for PACs established by two corporations and by a joint venture corporation formed by the two corporations), the General Counsel informed the requester in a letter issued July 22, 1982, that the Commission had failed to approve an advisory opinion by the requisite four-vote majority.

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (A0) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1982-40: Conversion of Membership Organization's State PAC to Federal PAC

APEP is the political action fund of the Ohio Farm Bureau Federation, Inc. (OFBF), an incorporated membership organization, which has been used to support state candidates. It may become a (federal) separate segregated fund (PAC) and support federal elections by using funds originally donated for state elections. APEP's use of state funds is permissible because:

1. The funds contain no corporate contributions. (Since Ohio law prohibits corporate contributions, the state PAC restricted its solicitations to OFBF's individual members.)
2. The funds were solicited from bona fide members of OFBF only -- i.e., individuals who participated, through voting control in local farm bureaus, in the direction of OFBF, who had rights and interests in OFBF, and who helped support OFBF through regular dues payments.
3. Although APEP's original solicitation for state funds did not meet all the literal requirements of FEC Regulations for soliciting federal funds, its solicitations were in substantial compliance with the Regulations. Specifically, the solicitations made clear that contributions: a) were entirely voluntary; b) would be used for political purposes (i.e., to support state legislators who were "Friends of Agriculture"); and c) were not a condition for continued membership in OFBF. The Commission noted, however, that in the future APEP would have to meet all the solicitation requirements of Section 114.5 of Commission Regulations.

Once converted into a federal PAC, however, APEP must:

1. Disclose, on its first report, the source of its cash on hand, along with the information required by Section 104.3 of Commission Regulations; and
2. Exclude from use in federal elections any funds that are not permissible under the Act.

Additionally, since OFBF has trade association status under Commission Regulations (11 CFR 114.8(a)), it may solicit contributions to the federal PAC from its individual members, as well as from the solicitable personnel of its corporate members, provided the solicitations meet the requirements of the Act and Commission Regulations. 2 U.S.C. §441b(b)(4)(D); 11 CFR 114.8. The federal PAC may also accept **unsolicited** contributions from other unaffiliated political committees. 11 CFR 114.5(j) and 114.7(j). Commissioner Thomas E. Harris filed a dissenting opinion. (Date issued: July 15, 1982; Length: 7 pages, including dissent)

AO 1982-42: Union's Reimbursement to PAC for Administrative Costs

The National Treasury Employees Union (NTEU) may not reimburse its separate segregated fund, the Treasury Employees Political Action Committee (TEPAC), for a portion of TEPAC's establishment, administration and solicitation costs, which TEPAC stated it had "inadvertently paid" between 1979 and 1981 as the result of a "mistaken impression" that these costs were attributable to it.

If NTEU had originally paid **all** the costs incurred in establishing and administering TEPAC, its payments would have been fully exempt from the Act's definitions of "contribution" and "expenditure." 2 U.S.C. §441b(b)(2)(C). By reimbursing TEPAC three years later, however, NTEU would be making a prohibited contribution to TEPAC because the funds would, in effect, be used for contributions rather than for exempt expenditures. 2 U.S.C. §441b(b)(3)(A); 11 CFR 114.5(a).

The Commission distinguished this ruling from those in AOR 1976-111 (an Opinion of Counsel) and AO 1979-33. In AOR 1976-111, issued before Commission regulations had been prescribed, the Commission had ruled that a labor organization could reimburse its separate segregated fund for a legal service fee inadvertently paid by the fund. TEPAC's inadvertent payments, however, did not consist of a legal fee, and they occurred over a three-year period during which time TEPAC could have consulted Commission Regulations governing the administration of separate segregated funds or could have availed itself of the advisory opinion procedures. Similarly, in AO 1979-33, the Commission had ruled that a union could reimburse its separate segregated fund for the costs of a banquet which the union had mistakenly under-

continued

stood to be a political fundraiser. That reimbursement merely corrected a single, factual mistake rather than rectifying a course of considered, discretionary actions conducted over several years, as in TEPAC's case. (Date issued: July 15, 1982; Length: 5 pages)

AO 1982-45: Affiliated Status of Public Works Organizations for Purposes of PAC Solicitations

The Salt River Valley Water Users' Association (the Association), the organization representing landowners for whom the federal government sponsored the Salt River irrigation project, and the Salt River Project Agricultural Improvement and Power District (the District), the quasi-governmental organization created to provide inexpensive bond financing for the project, are considered affiliated organizations for purposes of solicitations conducted by either the Association's separate segregated fund, the Project Political Improvement Committee (PPIC), or by the separate segregated fund of the International Brotherhood of Electrical Workers' (IBEW's) local union, Local 266.

The District and the Association are considered affiliated organizations by virtue of their close financial and managerial interrelationships. Specifically, the District holds all the Association's property and provides the Association with capital and operating funds for the Salt River Project (the Project); the District and Association share joint responsibility for the Project's operation; the organizations are managed by the same individuals; and the District's membership consists solely of the Association's members. Accordingly:

1. The Association or PPIC may solicit the District's and the Association's executive and administrative personnel and their families at any time. 11 CFR 114.5(g)(1).
2. The Association or PPIC may solicit the nonexecutive employees of both the District and the Association twice a year. 11 CFR 114.6.
3. If either the Association or the District solicits contributions to PPIC by using a payroll deduction plan, it must also make the plan available to the separate segregated fund of Local 266 for solicitation of union members who are employed by the District and the Association. 11 CFR 114.5(k)(1). (Date issued: July 30, 1982 ; Length: 4 pages)

AO 1982-46: Political Committee Status for State PAC Contributing to Federal Committee

A separate segregated fund becomes a "political committee" under the Act when it makes contributions of **any amount** in connection with federal elections. The TMHA-Committee for Responsible Government (TMHA-CRG), a **nonfederal** political committee sponsored by the Texas Manufactured Housing Association, thus became a "political committee" when it contributed $1,000 to a federal political committee. 2 U.S.C. §§431(4)(A)-(C). It was therefore required to register with the Commission within 10 days of making the contribution, file periodic reports and otherwise comply with the Act and Commission Regulations. 2 U.S.C. §§433(a) and 434(a)(4). Moreover, in the first report it files, TMHA-CRG has to disclose any funds received **prior** to becoming a federal political committee, even if the funds were not received during the current reporting period. 11 CFR 104.3(a) and 104.12.

As a federal political committee financing political activity in connection with both federal and nonfederal elections, TMHA-CRG had two registration and reporting options:

1. It could have established a separate account for federal election activity, which would be treated as a separate political committee subject to the requirements of the Act and Commission Regulations.
2. Alternatively, TMHA-CRG could have registered as a political committee with a single account for federal and nonfederal election activity. In this case, TMHA-CRG could only receive contributions permissible under the Act, regardless of whether the contributions were used for federal or nonfederal elections. 11 CFR 102.5(a)(1)(i) and (ii). (Date issued: July 29, 1982; Length: 3 pages)

THE LAW IN THE COURTS

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS v. FEC

On April 6, 1982, the U.S. Court of Appeals for the District of Columbia Circuit, sitting en banc, issued an opinion in International Association of Machinists and Aerospace Workers (IAM) v. FEC (Civil Action No. 81-1664) that rejected three constitutional challenges to section 441b(b)(3) of the election law, a provision that prohibits corporations and labor organizations from coercing contributions from their solicitable personnel. The U.S. District Court for the District of Columbia had certified the Constitutional questions to the appeals court on June 3, 1981, following its December 16, 1980, ruling in the suit.

Plaintiffs' Claim

In their suit, IAM and six other plaintiffs first claimed that the FEC had acted contrary to law in dismissing their complaint, which alleged that eleven corporations had systematically violated 2 U.S.C. §441b(b)(3) by soliciting contributions to their separate segregated funds (political action committees or PACs) from "unprotected" administrative personnel under "inherently coercive" conditions. Alternatively, if the district court denied the relief requested in their first claim, plaintiffs sought certification of the constitutional questions raised in their suit to an en banc appeals court, pursuant to 2 U.S.C. §437h.

District Court Ruling

The district court concluded, however, that the FEC's determination had not been arbitrary, capricious or contrary to law. Applying the standard for permissible corporate solicitations set forth in Pipefitters Local Union No. 562 v. U.S. (407 U.S. 385(1972)), and later codified in Section 441b(b)(3) of the Act, the court stated: "[N]owhere does FECA (Federal Election Campaign Act) forbid corporate supervisors from asking their subordinates for contributions as long as they comply with the provisions of section 441b (b)(3)." The court concluded "Neither the administrative complaint nor the complaint in this Court, offers direct evidence of wrongdoing." The same court ruled, however, that plaintiffs had standing to have their constitutional issues certified to the appeals court.

Appeals Court Ruling

In separate decisions, the appeals court affirmed the district court's decision that the Commission's dismissal of the complaint was not contrary to law, and also ruled on each of plaintiffs' constitutional questions, as summarized below:

Is the asserted imbalance between corporations and labor unions under the 1976 FECA amendments [codified at 2 U.S.C. §441b(b)(3)] unconstitutional?

Plaintiffs claimed that, in permitting corporate PACs to solicit their **executive and administrative personnel** in addition to their shareholders, the 1976 amendments had violated Fifth Amendment rights of equal protection and First Amendment rights of free speech by upsetting the longstanding balance in political power that had existed between corporations and labor organizations prior to enactment of the 1976 amendments. They argued that Congress had not intended to tip this balance in favor of corporations; rather, Congress had not foreseen the effect of the amendments, namely, the proliferation of corporate PACs and their disproportionate influence on federal elections. Since there are many more corporations than labor organizations, plaintiffs claimed the imbalance is institutional and, consequently, cannot be corrected by labor organizations.

The appeals court found, however, that Congress had attempted to treat labor organizations and corporations in a comparable manner in both the 1971 and 1976 amendments, while taking into account the structural differences between them. By restricting corporate PAC solicitations to administrative and executive employees and shareholders in the 1976 amendments, Congress had restored a similar, if not identical, balance to that which had existed prior to the FEC's 1975 ruling in the SUNPAC advisory opinion (AO 1975-23). (The SUNPAC opinion permitted corporations to solicit not only their shareholders but **all** their employees as well.)

By including executive and administrative personnel in a corporation's solicitable personnel, Congress had taken into account the structural differences between labor organizations and corporations, while applying the standard for solicitable personnel even handedly. The appeals court noted that, in this regard, "it is...more likely that a corporation's career employees will identify with the corporate direction, purpose, and welfare than will a shareholder who does not own a controlling interest."

In affirming Congress' decision to shape the solicitation procedures of the election law to reflect differences in organizational structure, the appeals court cited recent rulings of the U.S. Court of Appeals for the Seventh Circuit that upheld the constitutionality of other solicitation arrangements. For example, in Bread PAC v. FEC,* the court rejected a Fifth Amendment challenge to restrictions placed on a trade association seeking to solicit the solicitable personnel of its member corporations. Similarly, in California Medical Association v. FEC,* the court rejected an equal protection challenge to a provision which prohibits unincorporated associations, unlike corporations and labor organizations, from spending unlimited funds to establish and administer a political action committee.

Furthermore, the appeals court cautioned that "the Constitution, as historically and currently interpreted, does not afford any guarantee against one person's or group's ability to fund more speech than can another. In fact, far from imposing on Congress an obligation to equalize the voices of corporate and labor PACs, the Constitution, as the Supreme Court now reads it, may forbid Congress to act in such a manner. See Buckley v. Valeo, 424 U.S. at 48-49."

Does the statute impair career employees' First Amendment right of political abstention by permitting the corporate PAC solicitation as detailed in the record?

Plaintiffs alleged that, even though Section 441b(b)(3) sanctions corporate PAC solicitations of executive and administrative personnel, these solicitations are inherently coercive, in violation of First Amendment free speech rights. As evidence of this coercion, plaintiffs pointed out that executive and administrative employees "give to the corporate political fund at rates and in amounts far beyond those which obtain when

continued

---

*Bread PAC v. FEC is summarized on p. 6 of the May 1981 Record. California Medical Association v. FEC is summarized on p. 1 of the August 1981 Record.

donors are not solicited to give to the institution that employs them." The appeals court said, however, "One could argue with equal force that career employees contribute to their corporate PACs out of a desire to further what they perceive to be their own best interests or the best interests of the corporation, and because they have the wherewithal to do so, not because they are coerced or intimidated."

Deferring to Congress' judgment, the appeals court further held that the 1976 amendments extended the same protections against coercion to corporate executive and administrative personnel that had been provided to union members and shareholders in the 1971 amendments. It had no "evident reason to believe that protections...relied upon to secure union members against union pressure would be less adequate in securing career employees against corporate pressure." The appeals court reasoned that a more important consideration was the risk of coercion that corporate solicitations posed for a corporation's **hourly** wage earners. "The statutory language plainly demonstrates that concern: solicitation of hourly employees is severely restricted; solicitation of career employees is generally permitted, but is brigaded with protections designed to prevent overreaching."

Nor did the court find any merit to plaintiffs' contention that the 1976 amendments constituted a form of government-compelled activism on the part of PAC contributors.

Does the use of general corporate assets to establish and support a corporate PAC violate the First Amendment rights of dissenting shareholders?

Plaintiffs claimed that the FECA provision permitting corporations to use treasury funds to establish and administer a PAC abridge the free speech rights of shareholders who objected to such use of corporate assets. The court found that the chief case cited by plaintiffs in support of their claim, Abood v. Detroit Board of Education, was not applicable. The appeals court pointed out that "in Abood the [Supreme] Court had held that the First Amendment prohibited a public employee union from requiring any employee 'to contribute to the support of an ideological cause he may oppose as a condition of holding a job." A corporate shareholder, the court reasoned, is under no such compulsion. Citing the Supreme Court's decision in First National Bank of Boston v. Bellotti, the appeals court said "[T]he shareholder invests in a corporation of his own volition and is free to withdraw his investment at any time and for any reason." 435 U.S. at 794 n. 34.

NEW LITIGATION

Carter/Mondale Presidential Committee, Inc. v. FEC

The Carter/Mondale Presidential Committee, Inc. (the Committee) asks the appeals court to review certain final Commission determinations with regard to the FEC's audit of the Committee's 1980 primary campaign.* Specifically, the Committee alleges that the Commission committed an error by failing to:

-- Afford the Committee a hearing at any stage of the audit process.
-- Permit the Committee's good faith reliance on state expenditure estimates, prepared by a certified public accountant, which would have allowed the Committee to reduce its repayment obligation.**
-- Reduce the Committee's repayment obligation. The Committee claims that repayments required for overspending in certain states should be reduced because campaign debts owed in these states have been lowered.

The Committee also seeks the court's review of an FEC decision to compute its repayments on the basis of both **private** and public funds held by the Committee.

U.S. Court of Appeals for the District of Columbia Circuit, Docket No. 82-1754, July 6, 1982.

---

*Pursuant to 26 U.S.C. §9038, the Commission is required to audit the campaign of any primary candidate who receives public matching funds.

**Presidential committees accepting primary matching funds are subject to state-by-state spending limits for their primary campaigns. Expenditures in excess of these limits must be repaid to the U.S. Treasury. 2 U.S.C. §441a(b)(1)(A) and 26 U.S.C. §§9035(a) and 9038(b).

FEDERAL REGISTER NOTICES

The items below identify FEC documents that appeared in the Federal Register between May and August 1982. Copies of the notices are available in the Public Records Office.

Notice	Title
1982-4	Notice of Filing Dates for Special Primary and Special General Elections, 17th Congressional District, Ohio (Date published: May 17, 1982; Citation: 47 Fed. Reg. 21142)
1982-5	Candidate's Use of Property in Which Spouse Has Interest; Notice of Proposed Rulemaking (Date published: July 20, 1982; Citation: 47 Fed. Reg. 31390)
1982-6	11 CFR Parts 106 and 9031 et seq., Presidential Primary Matching Fund; Notice of Proposed Rulemaking (Date published: August 17, 1982; Citation: 47 Fed. Reg. 35892)

COMPLIANCE

SUMMARY OF MURs

The Act gives the FEC exclusive jurisdiction for its civil enforcement. Potential violations are assigned case numbers by the Office of General Counsel and become "Matters Under Review" (MURs). All MUR investigations are kept confidential by the Commission, as required by the Act. (For a summary of compliance procedures, see 2 U.S.C. §§437g and 437(d)(a) and 11 CFR Part 111.)

This article does not summarize every stage in the compliance process. Rather, the summary provides only enough background to make clear the Commission's final determination. Note that the Commission's actions are not necessarily based on, or in agreement with, the General Counsel's analysis. The full text of this MUR is available for review and purchase in the Commission's Public Records Office.

MUR 1399: Independent Expenditures Made by Projects of National Independent Expenditure Committee

On May 5, 1982, the Commission found no reason to believe that the Act had been violated by either a national independent expenditure committee or by seven projects sponsored by the committee to make independent expenditures advocating the defeat of various 1980 Senate candidates.

Complaint: On November 2, 1981, a national political committee (with no sponsor) filed a complaint against seven respondents who had allegedly made independent expenditures to oppose the election of selected Senate candidates during the 1980 elections. (After reviewing the complaint, the General Counsel also named an independent expenditure committee as a respondent.) The complainant alleged that:

1. The respondents had failed to register and report as political committees, in violation of 2 U.S.C. §§433 and 434.
2. In many cases, the title of the respondent had included the name of the candidate the respondent had sought to defeat, in violation of 2 U.S.C. §432(e)(4). Alternatively (if the Commission concluded the respondents were not political committees) the independent expenditure committee had violated §432(e)(4) by including the names of the candidates in the titles of the groups it identified as sponsors of its communications with the public.
3. The initial respondents and the independent expenditure committee had failed to identify themselves as affiliated committees or connected organizations, in violation of 2 U.S.C. §433(b)(2).

Although it made no formal allegation, the complainant committee also expressed concern that, by calling the respondents "projects," the independent expenditure committee misrepresented their purpose and prevented full public scrutiny of their activities.

General Counsel's Report:
Political Committee Status of the Projects. The complainant had alleged that the respondents had failed to register as political committees and report to the FEC when each had made independent expenditures exceeding $1,000 to oppose the election of a targeted Senate candidate during 1979 or 1980. As examples of the respondents' independent expenditures, the complainant cited their distribution of campaign literature, their purchase of radio advertisements and their solicitation of contributions for independent expenditure activities. In support of its allegation, the complainant submitted a budget, prepared by the independent expenditure committee, that showed "planned expenditures for both the [sic] mailings as well as the radio advertisements."

The General Counsel found, however, that the independent expenditure committee's budget, along with other evidence, supported the opposite conclusion, namely, that the respondents were not political committees but, instead, were programs or projects sponsored by the committee. In the committee's budget, the respondents were discussed in the context of the committee's strategy to defeat certain incumbent Senate candidates in the 1980 elections. Moreover, as noted by the General Counsel, the independent expenditure committee's chairman and treasurer had authorized each respondent (i.e., project), had identified each respondent's bank account on the committee's Statement of Organization and had disclosed each respondent's financial activity on the committee's reports and statements. In addition, the authorization notice appearing on each communication clearly identified the respondent as a "project" of the independent expenditure committee: "Paid for by [respondent's name], a project of the __________ Committee, and not authorized by any candidate."

Use of Candidates' Names. As to the complainant's allegation that the respondents had violated Section 432(e)(4), which permits only those political committees **authorized** by a candidate to use his or her name in their titles, the independent expenditure committee asserted that the respondents were not subject to this provision because they were **not** political committees. Rather, the respondents' titles (e.g., "Anybody But Candidate X") constituted political slogans protected by First Amendment rights of free speech. The General Counsel found that, since the respondents were **not** political committees, they were not subject to Section 432(e)(4). Moreover, the independent expenditure committee had not violated Section 432(e)(4) because its title did not include the name of any candidate.

continued

Failure to Report as Connected Organizations. The complainant contended that the respondents had administered and financially supported the independent expenditure committee and, thus, should have been named as connected organizations on the committee's Statement of Organization. To support this allegation, the complainant cited the following evidence that the respondents had sponsored the independent expenditure committee: the respondents administered the independent expenditure committee's program to defeat the targeted Senate candidates; and the respondents provided financial support to the independent expenditure committee by soliciting funds on the committee's behalf.

The General Counsel found, however, that the respondents were not connected organizations of the independent expenditure committee, as defined by Section 100.6(a) of Commission Regulations, because they had not established, administered or financially supported the independent expenditure committee. To the contrary, the independent expenditure committee had established and administered the respondents' programs.

The General Counsel therefore recommended that the Commission find no reason to believe that either the independent expenditure committee or its projects had violated any of the provisions cited in the complaint.

Commission Determination: On May 5, 1982, the Commission voted to find no reason to believe that either the independent expenditure committee or its projects had violated any of the provisions of the Act alleged by the complainant. Nor had the independent expenditure committee violated 2 U.S.C. §432(e)(4) by using a candidate's name in its title.

PUBLICATIONS

SELECTED BIBLIOGRAPHY OF CAMPAIGN FINANCE LAWS AVAILABLE

During July 1982, the FEC's Library issued a Campaign Finance and Federal Elections Bibliography. The Bibliography, which is updated biannually, provides a selected, annotated compilation of publications issued from January 1977 through June 1982. Documents are listed according to four information categories:

Part I:	Documents pertaining to the 1979 Amendments to the Federal Election Campaign Act (Pub. L. 96-187).
Part II:	Books, monographs and treatises.
Part III:	Guidebooks, handbooks, compilations, bibliographies and indices.
Part IV:	Law review articles and articles from business, political science and general periodical indices.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G 31

11/8-10

NEWARK PUBLIC LIBRARY
NOV 4 1982
U. S. GOVT. PUBS
DEPOSITORY 376

THE FEDERAL ELECTION COMMISSION

RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 8, Number 10

October 1982

REPORTS

REPORTS DUE IN OCTOBER

The following paragraphs explain the reporting schedule for the various categories of filers that have reports due in October.

Quarterly Filers

Authorized candidate committees active in 1982 elections, as well as authorized Presidential committees and noncandidate committees* that have chosen to file on a quarterly (rather than a monthly) basis, are required to file a quarterly report, due by October 15. The report should cover all financial activity from the closing date of the last report filed or from the date of registration, whichever is later, through September 30, 1982.

Pre-General Election Filers

Authorized committees of candidates who will participate in the 1982 general elections, as well as noncandidate committees making contributions, coordinated party (§441a(d)) expenditures and independent expenditures in the general elections, must file a pre-general election report, due by October 21. The report should cover all activity from the closing date of the last report filed or from the date of registration, whichever is later, through October 13, 1982.

In addition, any contribution of $1,000 or more received by an authorized candidate committee between two and twenty days before the general election must be reported in writing by the recipient committee within 48 hours of its receipt.

Noncandidate committees (filing on a quarterly basis) do not have to file a pre-general election report if all disbursements made in connection with the general elections have been previously disclosed.

Monthly Filers

Noncandidate committees that have chosen to file on a monthly basis must file a monthly report **and** a pre-general election report during October. The monthly report, due by October 20, should cover all activity from the closing date of the last report filed or from the date of registration, whichever is later, through September 30. The pre-general election report, due by October 21, should cover all activity from October 1, or from the closing date of the last report filed, through October 13.

Note: In lieu of the monthly reports due in November and December 1982 and January 1983, noncandidate committees filing on a monthly basis must instead file pre- and post-general election reports and a year-end report.

Forms and Information

Reporting forms and additional information have been sent to all registered committees, alerting them to their reporting obligations. Questions and requests for additional forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

REGULATIONS

DEADLINE EXTENDED FOR COMMENTS ON PRIMARY MATCHING FUND REGULATIONS

The Commission has extended the deadline for submitting comments on proposed revisions to its regulations governing the FEC's administration of the Presidential Primary Matching Fund program. (See Commission Regulations at 11 CFR Parts 9031 et seq.) Comments or questions on the proposed revisions should be submitted to Ms. Susan E. Propper, Assistant General Counsel, by November 15, 1982. Ms. Propper may be contacted at 202/523-4143 or by writing to the Commission at 1325 K Street, N.W., Washington, D.C.

continued

---

*Political committees that have not been authorized by any federal candidate, e.g., separate segregated funds and party committees.

y 3. EL 2/3:

20463. A public hearing on the proposed revisions has been rescheduled for November 17. Those interested in testifying should notify the Commission in writing on or before October 29 and should submit their written comments by November 15.

The intent of the proposed revisions is to clarify and simplify administration of the matching fund program and compliance with its provisions. The changes have three major purposes: to provide workable rules to govern many of the areas which have caused uncertainty in the past; to provide a fuller explanation of the certification and audit processes; and to add new provisions to cover aspects of the Presidential primary process not previously addressed in the FEC's Regulations.

For more detailed information, see the August 17, 1982, edition of the Federal Register, page 35892. Copies of the proposed revisions may also be obtained from the FEC's Public Communications Office, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

OPINIONS

ADVISORY OPINIONS AVAILABLE ON MICROFILM

During August, the FEC's Office of Public Records made available two microfilm reels containing all advisory opinions (AOs) issued by the Commission, as well as all advisory opinion requests (AORs) made public, between 1975 and 1981. One reel includes all AOs and AORs for the period between 1975 and 1979; a second reel covers the period between 1980 and 1981. An index at the beginning of each reel indicates the exact location of each AO and AOR. Paper copies of this microfilmed information are available at 10 cents per page. The microfilm reels are also available at $10 each. Checks should be made payable to the FEC. For more information, contact the Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463 or call 202/523-4181 or toll free 800/424-9530.

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-50	Breakfast and lunch club organized by individual to raise funds for Congressional candidates. (Date made public: August 18, 1982; Length: 1 page)
1982-51	Quarterly reporting obligation for campaign of withdrawn Senate candidate. (Date made public: August 26, 1982; Length: 1 page)
1982-52	Funds transferred from state campaign to federal campaign for debt retirement. (Date made public: August 31, 1982; Length: 1 page)
1982-53	Corporate solicitation of licensees. (Date made public: September 14, 1982; Length: 5 pages, plus supplement)

ALTERNATE DISPOSITION OF ADVISORY OPINION REQUEST

-- AOR 1982-51 was withdrawn by its requester on September 30, 1982.

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

AO 1982-44: Donation of Free Air Time to National Party Committees by Cable T.V. Network

The Turner Broadcasting System, Inc. (Turner), an incorporated cable television network, may donate two hours of free cablecast time to both the Democratic National Committee (DNC) and the Republican National Committee (RNC). Since the programs aired during the free cablecast time would constitute news commentaries specifically exempted from the Act's definitions of "contribution" and "expenditure," Turner's donation of the air time would not result in a prohibited corporate contribution to either the DNC or the RNC. (The programs will be aired on WTBS, a "super satellite" station owned by Turner.)

Turner is providing both major political parties with an opportunity to discuss issues, to demonstrate their differences and to encourage support of their respective parties. For example, the cablecast program already aired by the DNC consisted of a two-hour presentation by various leading Democrats in which they discussed public issues and programs from the Democratic Party's perspective and solicited contributions to support the DNC. Various Democratic Party officials and officeholders also urged support of Democratic candidates generally, but did not advocate the election or defeat of any specific candidates.

The Act and Commission Regulations permit broadcast (and other media) corporations to air news commentaries (as well as news stories and editorials) that are exempted from the Act's definitions of "contribution" and "expenditure," provided: a) the broadcast corporation is not owned or controlled by a political party committee, political committee or candidate and b) the broadcast corporation is acting within its legitimate broadcast function in airing the commentary. 2 U.S.C. §431(9)(B)(i); 11 CFR sections 100.7(b)(2) and 100.8(b)(2). Turner's offer of free air time satisfied these criteria. Furthermore, news commentaries covered by the media exemption were intended to give third parties, such as the DNC and the RNC, access to the media to discuss issues. The Act and FEC Regulations do not define the issues that third parties may discuss or the format for their presentation; nor do they set limits on the length of the commentaries.

The Commission cautioned that any deviation from the facts presented by the requesters in their advisory opinion would compel the Commission to reconsider whether, based on the new facts, the media exemption would apply. Chairman Frank P. Reiche filed a dissenting opinion. (Date issued: August 27, 1982; Length: 7 pages, including dissent)

AO 1982-47: Single Contribution Limit for Candidate Seeking Nomination by Three Parties

Although Ms. Florence M. Sullivan sought nomination by three different parties (i.e., the Republican, Conservative and Right-to-Life Parties) in the New York Senate primary,* contributions to her campaign were subject to a single, per election limit. Under the Act and Commission Regulations, the primary was considered one election, and Mrs. Sullivan was considered to be seeking one federal office, that is, U.S. Senator from New York. (See 2 U.S.C. §431(3); 11 CFR 100.2(c)(1) and 104.4.) (Date issued: August 20, 1982; Length: 4 pages)

AO 1982-48: Coordinated Party Expenditures in Behalf of Independent Candidate

Since Mr. Henry A. Huish is affiliated with the Utah State Democratic Committee (the Committee), the Committee may make coordinated (§441a(d)) expenditures in behalf of his general election campaign for the House seat in Utah's Third Congressional District, even though Mr. Huish is listed on the ballot as an independent candidate. (Mr. Huish is running as an independent candidate because he failed to meet state requirements for ballot access as the Democratic nominee.)

While the Act requires that a candidate for federal office be **affiliated** with the political party that plans to make coordinated expenditures in his or her behalf, the Act does not require that the candidate be listed on the general election ballot as the party's nominee. For purposes of coordinated expenditures, Mr. Huish's affiliation with the Democratic Party is evidenced by the following facts:

1. Delegates to the Utah State Democratic Convention formally nominated Mr. Huish as the party's candidate for the House seat.
2. The Committee continues to endorse Mr. Huish as its candidate. No other candidate will appear on the general election ballot as the Democratic candidate. (Date issued: August 26, 1982; Length: 3 pages)

---

*The New York primary was held on September 23, 1982.

800 LINE

SEPARATE SEGREGATED FUNDS AND INDEPENDENT PACS

The press and public refer to all nonparty, noncandidate committees as PACs or political action committees. However, the Act and Commission Regulations distinguish between two types of PACs: separate segregated funds and independent political committees (or independent PACs). The article below discusses some of the major differences between these two types of political committees.

What is the principal difference between separate segregated funds and other PACs?

The Act prohibits corporations (profit or nonprofit), labor organizations and incorporated membership organizations from making direct contributions or expenditures in connection with federal elections. 2 U.S.C. §441b. These organizations may, however, sponsor a separate segregated fund (SSF), popularly called a PAC, which collects contributions from a limited class of individuals and uses this money to make contributions and expenditures to influence federal elections. 11 CFR 100.6. As the sponsor of the SSF (i.e., its "connected organization"), the corporation, labor organization or incorporated membership organization may absorb all the costs of establishing and operating the SSF and soliciting contributions to it. These administrative expenses are fully exempted from the Act's definitions of "contribution" and "expenditure." 11 CFR 114.1(a)(2)(iii).

By contrast, an independent political committee, another type of PAC, is financially independent. This means that the independent political committee must pay for its own administrative expenses, using the contributions it raises. Although an organization may spend funds to establish or support an independent PAC, these expenditures are considered contributions to the PAC and are subject to the dollar limits and other requirements of the Act.

Do the reporting requirements vary for SSFs and independent PACs?

Yes. An SSF is not required to report any fundraising or administrative expenses that are paid for by its sponsoring organization. (The SSF must, however, report these expenses if it pays for them.) On the other hand, an independent PAC must report all its operating and solicitation expenses.

Are different restrictions placed on the groups of individuals who may be solicited by SSFs and independent political committees?

Yes. SSFs may solicit **only** certain groups of individuals specifically identified in the Act and Commission Regulations, while independent PACs may solicit contributions from the general public. For example, a corporation with capital stock and its SSF may solicit only the corporation's stockholders, executive and administrative personnel and the families of both groups. 11 CFR 114.5(g)(1). A labor union and its SSF may solicit only union members and their families. 11 CFR 114.5(g)(2). Twice a year, SSFs and their sponsoring organizations may expand their solicitations to include certain individuals outside the normal restrictions; the expanded groups are also specifically limited by the law. 11 CFR 114.6.

Do SSFs have any special requirements in soliciting contributions that independent PACs do not have?

Yes. For example, under Commission Regulations, SSFs must inform their solicitees of the political purpose of the SSF and of the individual's right to refuse to contribute without reprisal. SSFs are specifically prohibited from using threats of physical force, job discrimination or financial reprisal when soliciting contributions. Moreover, if the SSF uses a guideline in soliciting contributions, the solicitees must be informed that they are free to contribute more or less than the amount stated. In addition, SSFs may not accept as contributions any dues or fees obtained as a condition of membership or employment. 11 CFR 114.5(a).

Independent political committees are not subject to these solicitation restrictions. On the other hand, solicitations by independent PACs that are made through public political advertising must include an authorization notice indicating who paid for and authorized the solicitation. This type of notice is not required on SSF solicitations. 11 CFR 110.11(a)(1)(iv).

Do the registration requirements for an SSF differ from those for independent PACs?

Yes. An SSF must register within 10 days of its establishment by its sponsoring organization. 11 CFR 102.1(c). An independent PAC, however, must register as a political committee within 10 days after it has received contributions or made expenditures aggregating in excess of $1,000. 11 CFR 102.1(d).

Are the titles chosen for SSFs and independent PACs subject to different requirements?

Yes. The Act and Commission Regulations require an SSF to include the name of its sponsoring organization in its official title. 2 U.S.C. §432(e)(5); 11 CFR 102.14(c). The Act places no such restriction on the title that an independent PAC uses. Neither committee, however, may include the name of a candidate in its title.

May both an SSF and an independent PAC contribute up to $5,000 to each of a candidate's election campaigns?

Yes, provided the SSF or the independent PAC has qualified as a multicandidate committee by: 1) having been registered with the Commission at least six months, 2) having received contributions from over 50 persons and 3) having made contributions to at least five candidates for federal office. 2 U.S.C. §441a(a)(5).

What other requirements of the Act and FEC Regulations apply to both SSFs and independent PACs?

Most of the basic requirements of the Act and Regulations are the same for SSFs and independent political committees. For example, the prohibitions and limits on contributions apply equally to both SSFs and independent PACS. In addition, both types of committees must fulfill the same basic recordkeeping and reporting requirements, although an SSF does not have to report operating expenses paid for by its sponsoring organization (see above). Finally, SSFs and independent PACs may support candidates in the same ways, that is, by making monetary and in-kind contributions to candidates, by contributing to their political parties and by making independent expenditures to support or oppose candidates.

FEDERAL REGISTER NOTICES

The item below identifies an FEC document that appeared in the Federal Register on September 22, 1982. Copies of this notice are available in the Public Records Office.

Notice	Title
1982-7	Filing Dates for Special General Election, 1st Congressional District, Indiana (Citation: 47 Fed. Reg. 41861)

COMPLIANCE

SUMMARY OF MURs

The Act gives the FEC exclusive jurisdiction for its civil enforcement. Potential violations are assigned case numbers by the Office of General Counsel and become "Matters Under Review" (MURs). All MUR investigations are kept confidential by the Commission, as required by the Act. (For a summary of compliance procedures, see 2 U.S.C. §§437g and 437(d)(a) and 11 CFR Part 111.)

This article does not summarize every stage in the compliance process. Rather, the summary provides only enough background to make clear the Commission's final determination. Note that the Commission's actions are not necessarily based on, or in agreement with, the General Counsel's analysis. The full text of this MUR is available for review and purchase in the Commission's Public Records Office.

MUR 1398: Independent Expenditures, Multi-Candidate Committee Status, Prohibited Contributions

On May 5, 1982, the Commission found reason to believe that a political action committee (PAC) had improperly reported an in-kind contribution as an independent expenditure and had contributed over $1,000 to a candidate committee before achieving multicandidate committee status. The Commission also found reason to believe the PAC's sponsor, an incorporated special interest group, had made prohibited contributions.

Complaint: In a complaint filed on November 2, 1981, a political committee stated that independent expenditures allegedly made by a special interest PAC in behalf of a candidate and against his opponent did not qualify as independent expenditures because there was coordination between the PAC and the candidate's committee. According to the complainant, the PAC had violated the Act's reporting provisions by identifying the payments in question as independent expenditures rather than as in-kind contributions in the candidate's behalf. The complainant also alleged that because of this mistake and other reporting errors, the PAC had actually contributed over $5,000 to the candidate committee, a violation of the Act's limit on contributions by multicandidate committees. (See 2 U.S.C. §441a(a)(2)(A).) Although not specifically alleged, the candidate committee's acceptance of excessive contributions might have violated Section 441a(f).

A second part of the MUR arose from a referral by the Commission's Reports Analysis Division

continued

questioning the validity of the PAC's multicandidate committee status. If the PAC had not attained that status, its per candidate, per election contribution limit would have been $1,000 rather than $5,000.

General Counsel's Report:

Independent Expenditures or In-kind Contributions. In an effort to show that coordination between the committees did exist, the complainant submitted samples of two brochures, similarly designed and printed, one distributed by the PAC and the other by the candidate committee. The complainant contended that this and other evidence of the PAC's "continued involvement" in the candidate's campaign prevented any expenditure in the candidate's behalf from being independent.

In response, the PAC admitted that its brochure had been prepared in cooperation with the candidate's committee but showed that it had reported the expense as an in-kind contribution to the candidate. The second brochure, the PAC noted, had been produced "exclusively" by the candidate committee. The General Counsel's Report concluded that the similarity between the brochures was relevant only if the PAC had reported its expenditure as independent and if it had failed to provide factual evidence that the expenditures in question were not independent.

With regard to a letter opposing the candidate's opponent, which was distributed by the PAC and reported as an independent expenditure, the General Counsel concluded the expenditure was really a contribution in-kind. The General Counsel's Office found that, in its mailing, the PAC had enclosed a copy of the brochure produced in cooperation with the candidate it supported, which compromised the independence of the communication. The PAC's expenditure of $247.52 for the mailing was, in effect, payment for the distribution of candidate campaign literature and, as such, was an in-kind contribution. By improperly reporting the expenditure as independent, the PAC had violated Section 434 of the Act. But, because the expenditure would have been independent had not the PAC enclosed the brochure, and because the amount of the expenditure was only $247.52, the General Counsel's Report recommended the Commission take no further action in this matter other than sending the PAC and the candidate committee letters of admonition. The letters would request that they amend their reports to show the expenditure as an in-kind contribution.

Finally, the complainant alleged that a portion of the PAC's administrative expenditures should have been reported as in-kind contributions to the candidate, since over 30 percent of the PAC's activities benefited the campaign. Agreeing that part of their expenses for a 1980 issue of the PAC magazine should have properly been allocated as an in-kind contribution to the candidate, the PAC amended its report, showing $52.23 as an in-kind contribution. The General Counsel's report recommended the Commission accept this amendment, noting that there was no factual basis for the allegation that other portions of the PAC's administrative expenses should have been reported as in-kind contributions.

Multicandidate Committee Status. To qualify as a multicandidate committee, with a $5,000 per candidate, per election contribution limit, a PAC must: 1) have been registered with the Commission at least six months, 2) have received contributions from over 50 persons and 3) have made contributions to at least five candidates for federal office. 2 U.S.C. §441a(a)(5). Although the PAC had fulfilled the first two requirements, it did not satisfy the third until September 13, 1980. However, during the previous July and August, the PAC had contributed over $3,000 to the candidate committee. The PAC claimed that its connected (sponsoring) organization, an incorporated special interest group, had fulfilled the third requirement by making in-kind contributions to 10 Congressional candidates totaling $150. The PAC, although it had not originally reported these contributions, regarded the money as a debt that it owed to its connected organization. The PAC further provid-ed an amended October quarterly report identifying PAC payments to the connected organization (to extinguish the debt) as in-kind contributions to the 10 candidates. The General Counsel's Report rejected this solution as technically impermissible, as Section 441b of the Act prohibits a connected organization from advancing money for PAC contributions. The Report noted, however, that the PAC qualified as a multicandidate committee shortly after the excess contributions were made. The Report therefore recommended the Commission take no further action on the issue beyond finding reason to believe that the PAC had violated the Act by contributing over $1,000 to a candidate before achieving multicandidate status.

Prohibited Contributions. The General Counsel's Report stated that the connected organization's payments totaling $150 for in-kind contributions were prohibited corporate contributions in violation of Section 441b. The Report therefore recommended that the Commission find reason to believe the organization had violated that section but, because the amount of money involved was not significant, also recommended the Commission take no further action beyond sending the respondent a letter of admonition.

Commission Determinations: On May 5, 1982, the Commission:

1. Found reason to believe the PAC had violated Section 433 by improperly reporting $247.52 as an independent expenditure rather than as an in-kind contribution;
2. Found no reason to believe the candidate committee had committed any violations of the Act as alleged in the complaint;
3. Accepted the PAC's reporting amendment allocating $52.23 of its administrative expenses as an in-kind contribution;
4. Found reason to believe the PAC had violated Section 441a by contributing over $1,000 to the candidate before attaining multicandidate status; and
5. Found reason to believe the PAC's connected organization had violated Section 441b by making contributions to 10 Congressional candidates.

The Commission sent letters of admonition to the respondents and closed the file.

FEC PUBLISHES THE NAMES OF NONFILERS

On July 30, 1982, the Commission published the names of three political committees supporting candidates in the Kansas House primary election and the Missouri House and Senate primaries which had failed to file their pre-primary report, due 12 days before the primary elections in those states. The primary elections in both states were held on August 3. Pre-primary reports should have covered campaign finance activity from July 1 through July 14, 1982.

On July 28, 1982, the Commission had notified the committees of all candidates participating in the Kansas and Missouri campaigns of their potential reporting requirements. Subsequently, the Commission notified those committees failing to file timely reports that their names would be published if they did not respond to the FEC's notice within four business days.

Other political committees (not authorized by candidates) that supported candidates in the Kansas and Missouri primaries were also required to file pre-primary reports unless they had been reporting on a monthly basis. The 1979 amendments to the election law do not, however, require the Commission to publish the names of these unauthorized committees.

Further Commission action against committees that fail to file reports required during the 1982 election year will be decided on a case-by-case basis. The Act gives the Commission broad authority to initiate enforcement actions against any nonfiler, including civil enforcement and the imposition of civil penalties.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between June 3 and August 12, 1982. Final audit reports are available to the general public in the Public Records Office.

1. Citizens' Advocate Political Action Committee (Final audit report released June 3, 1982)
2. Liberal Party Federal Campaign Committee (Final audit report released June 17, 1982)
3. Libertarian National Committee (Final audit report released June 22, 1982)
4. National Women's Political Caucus of California (Final audit report released July 6, 1982)
5. Idaho Democratic Party-Federal Account (Final audit report released July 15, 1982)
6. Senate Defense and Economic PAC* (Final audit report released August 10, 1982)
7. Democratic State Central Committee (of California) Federal Candidates Fund (Final audit report released August 12, 1982)

---

*Formerly known as the Senator John Tower PAC.

CHANGE OF ADDRESS

Political Committees

Registered political committees are automatically sent the Record. Any change of address by a registered committee must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization) and filed with the Clerk of the House, the Secretary of the Senate or the FEC, as appropriate.

Other Subscribers

Record subscribers (who are not political committees), when calling or mailing in a change of address, are asked to provide the following information:

1. Name of person to whom the Record is sent.
2. Old address.
3. New address.
4. Subscription number. The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

FEDERAL ELECTION COMMISSION
1325 K STREET, NW
WASHINGTON, DC 20463

OFFICIAL BUSINESS

FIRST CLASS MAIL
POSTAGE & FEES PAID
FEC
WASHINGTON, D.C.
PERMIT NO. G-31

11/8-11

FEDERAL ELECTION COMMISSION

RECORD

Volume 8, Number 11 1325 K Street NW Washington DC 20463 November 1982

REPORTS

POST-GENERAL ELECTION REPORT DUE

The following political committees are required to file a post-general election report, due by December 2, 1982:

-- Authorized committees of candidates who participated in the 1982 general elections; and

-- All noncandidate committees (i.e., political committees which have not been authorized by any federal candidate), including noncandidate committees that have chosen to file on a monthly (rather than a quarterly) basis.

Note: In lieu of monthly reports due in November and December 1982 and January 1983, noncandidate committees filing on a monthly basis must instead file pre- and post-general election reports and a year-end report.

Information Covered

The post-general election report must be filed, regardless of whether a committee has had any financial activity during the period covered by the report. The report must disclose financial information from the closing date of the last report filed or from the date of registration, whichever is later, through November 22, 1982.

Forms and Information

Reporting forms are being sent to all registered committees, alerting them to their reporting obligations. Questions and requests for additional forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or call 202/523-4068 or toll free 800/424-9530.

STATISTICS

PAC CONTRIBUTIONS EXCEED $38 MILLION DURING 1981-82 ELECTION CYCLE

Contributions made by PACs to federal candidates totaled $38 million during the first 18 months of the 1981-82 election cycle. Most of that amount, $34 million, was contributed to candidates active in 1982 Congressional elections. By contrast, during the first 18 months of the

continued on p. 3

PUBLIC APPEARANCES

Date	Sponsoring Organization
11/2	Institute of International Education Humphrey Fellowship Program Washington, D.C. B. Allen Clutter, Staff Director
11/7	Aspen Institute for Humanistic Studies 1982 Communications Policy Workshop Eastern Shore of Maryland Chairman Frank P. Reiche
11/9	Kentucky County Clerks Association Fall Convention Lexington, Kentucky Chairman Frank P. Reiche Dr. Gary Greenhalgh, Assistant Staff Director, Information Division Gwen Hofmann, Research Specialist, FEC Clearinghouse on Election Administration

NEWARK PUBLIC LIBRARY
NOV 1 8
U. S. GOVT. PUBS
DEPOSITORY 376

Y 3.EL 2/3:

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-54	Corporate member approvals sought by association PAC for solicitations in following year. (Date made public: September 24, 1982; Length: 4 pages)
1982-55	Combined payment of membership dues and PAC contributions to association's trust account. (Date made public: September 27, 1982; Length: 2 pages, plus supplement)
1982-56	Congressional candidate's endorsement of local candidate included in local candidate's T.V. ad. (Date made public: September 27, 1982; Length: 2 pages, plus supplement)

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1982-49: Contributions Designated for Primary, Which Was Never Held

The Weicker '82 Committee (the Committee), the principal campaign committee for Senator Lowell Weicker's reelection campaign, may not use or retain contributions designated for a possible primary election. Since the primary was never held, there is no separate limit for contributions made for the primary, which, under Connecticut law, would have been a separate election after the party nominating convention. Accordingly, the Committee must return any contributions designated for the primary because they were given by individuals who had reached their contribution limits with respect to Senator Weicker's campaigns for nomination at his party's convention and for the general election. (The convention and the general election each constitute a separate election, with separate contribution limits.)

Since Connecticut law gives a party's nominating convention the authority to nominate a candidate for federal office, the convention is considered an "election" for purposes of the Act's contribution limits. 2 U.S.C. §431(1)(B); 11 CFR 100.2(e). Connecticut law also permits an individual to call for a primary election to challenge a candidate endorsed by the state party convention if the individual: 1) receives at least 20 percent of his or her party's vote at the party's nominating convention and 2) files petitions signed by the requisite number of party members. If this occurs, the primary constitutes a third election.

Although Prescott Bush, Senator Weicker's chief opponent for the Republican Party's nomination for U.S. Senator, had received over 20 percent of the convention votes, the primary election was not held because Mr. Bush never filed the required petitions. A primary election contribution limit was, therefore, not available to Senator Weicker's contributors and the Committee had to refund contributions designated for the primary campaign. (Date issued: October 8, 1982; Length: 3 pages)

AO 1982-52: Funds Transferred From State Campaign to Federal Campaign for Debt Retirement

State Senator Doug Ross may transfer funds from his state campaign committee to his Congressional campaign in order to retire debts of an

continued

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

unsuccessful primary campaign for a House seat in Michigan's 17th Congressional District. Because the two committees are affiliated by virtue of having been established by the same candidate, unlimited funds could be transferred between them. The size of the transfer, however, would determine whether or not the state campaign committee exceeded the threshold for becoming a "political committee" under the Act and how the transfer should be reported.

Transfers Exceeding $1,000

If the state campaign committee transferred more than $1,000 to Mr. Ross' Congressional campaign committee during the year, it would have to register, file reports and operate as a "political committee" under the Act. 2 U.S.C. §431(4)(A); 11 CFR 100.5 and 102.6(a). On its first report (which could also be its termination report), the state campaign committee--newly registered as a federal committee--would have to disclose the source of all cash-on-hand on the basis of last in, first "on hand." The committee would have to exclude any contributions which are not permissible under the Act from its cash-on-hand. In addition, the committee would have to exclude any contribution which, when added to contributions already made by the same donor to the Congressional committee, caused the contributor to exceed the $1,000/$5,000 limit.*

On the same report, the new federal committee could also disclose the transfer of these funds to the Congressional campaign committee. The Congressional campaign committee, in turn, would report its receipt of the transfer as a "miscellaneous receipt" from the state campaign committee.

Transfer of $1,000 or Less

Alternatively, if the state campaign committee transferred $1,000 or less to the Congressional campaign committee during the year, the state campaign committee would **not** have to register as a political committee under the Act. 11 CFR 102.6(a) and 100.5. Instead, the state campaign committee would be required to either:

1. Establish a separate account from which it could transfer funds permissible under the Act; or
2. Demonstrate through a reasonable accounting method that, when the transfers were made to the Congressional campaign committee, the state committee had received sufficient permissible funds to make the transfers. 11 CFR 102.5(b).

The Commission expressed no opinion on state laws governing the disposition of state campaign funds since they are not within its jurisdiction. (Date issued: September 30, 1982; Length: 4 pages)

STATISTICS

continued from p. 1

1979-80 election cycle, PACs* contributed $25 million to federal candidates, with approximately $20 to $23 million going to candidates active in 1980 Congressional elections. (A similar study on PAC activity during the first 15 months of the current election cycle was published on p. 7 of the August 1982 Record.)

The information released by the FEC on October 3, 1982, is based on a four-volume interim study, FEC Reports on Financial Activity, 1981-82. This study, along with previous FEC reports, shows a variation in total funds raised and spent by PACs during the first 18 months of the 1978, 1980 and 1982 election cycles. PACs raised a total of $137.2 million during the period from January 1, 1981, through June 30, 1982. During the same period in 1979-80, they raised $85.3 million, and in 1977-78, $54.0 million. During the current election cycle, PACs made disbursements totaling $103.9 million. PACs spent a total of $61.4 million during the same period in 1979-80, and a total of $38.7 million in 1977-78.

Charts I and II list those PACs that have raised the most money and made the most contributions to federal candidates during the first 18 months of the current election cycle. Chart III shows the distribution of PAC contributions to 1981-82 Congressional candidates by party affiliation and by their status as incumbent, challenger or open seat candidates. Chart IV summarizes total financial activity of PACs during the same period.

More detailed information may be obtained from the four-volume interim study, FEC Reports on Financial Activity, 1981-82 -- Interim Report No. 2: Party and Non-Party Political Committees. The study may be purchased ($5.00 per volume) from the FEC's Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463. Checks should be made payable to the FEC.

continued

---

*Qualified multicandidate committees may contribute up to $5,000 per candidate, per election. All other persons may each contribute up to $1,000 per candidate, per election.

*PAC is a popular term used to define all political committees that have not been authorized by candidates or political parties. The term includes separate segregated funds connected to corporations and labor organizations as well as political committees without any connected organization (i.e., corporate or labor sponsor).

CHART I
TOP 10 PAC MONEY RAISERS

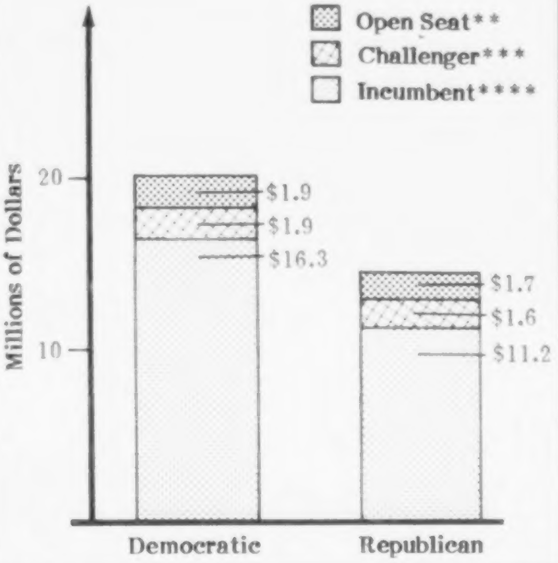
Political Action Committee	Amount Raised 1/81 - 6/82
National Congressional Club	$7,695,037
National Conservative Political Action Committee	7,223,209
Realtors Political Action Committee (National Association of Realtors)*	2,225,645
American Medical Political Action Committee (American Medical Association)	2,172,477
Citizens for the Republic	1,945,809
Fund for a Conservative Majority	1,915,763
Committee for the Survival of a Free Congress	1,786,675
National Committee for an Effective Congress	1,623,820
Committee for the Future of America, Inc.	1,457,835
Committee for Thorough Agricultural Political Education (Associated Milk Producers, Inc.)	1,378,406

CHART II
TOP 10 PAC CONTRIBUTORS TO CANDIDATES

Political Action Committee	Amount Contributed 1/81 - 6/82
American Medical Political Action Committee (American Medical Association)*	$857,461
Realtors Political Action Committee (National Association of Realtors)	614,110
UAW Voluntary Community Action Program (United Auto Workers)	566,415
Machinists Non-Partisan Political League (International Association of Machinists & Aerospace Workers)	560,048
American Bankers Association BANKPAC (American Bankers Association)	471,515
National Education Association PAC (National Education Association)	411,933
Seafarers Political Activity Donation (Seafarers International Union of North America)	394,166
Committee for Thorough Agricultural Political Education (Associated Milk Producers, Inc.)	376,200
Responsible Citizens Political League (Railway, Airline & Steamship Clerks)	371,917
American Dental Political Action Committee (American Dental Association)	357,650

*The connected organizations (i.e., sponsors) of separate segregated funds are indicated in parentheses.

CHART III
PAC CONTRIBUTIONS*
TO 1982 HOUSE AND SENATE CANDIDATES



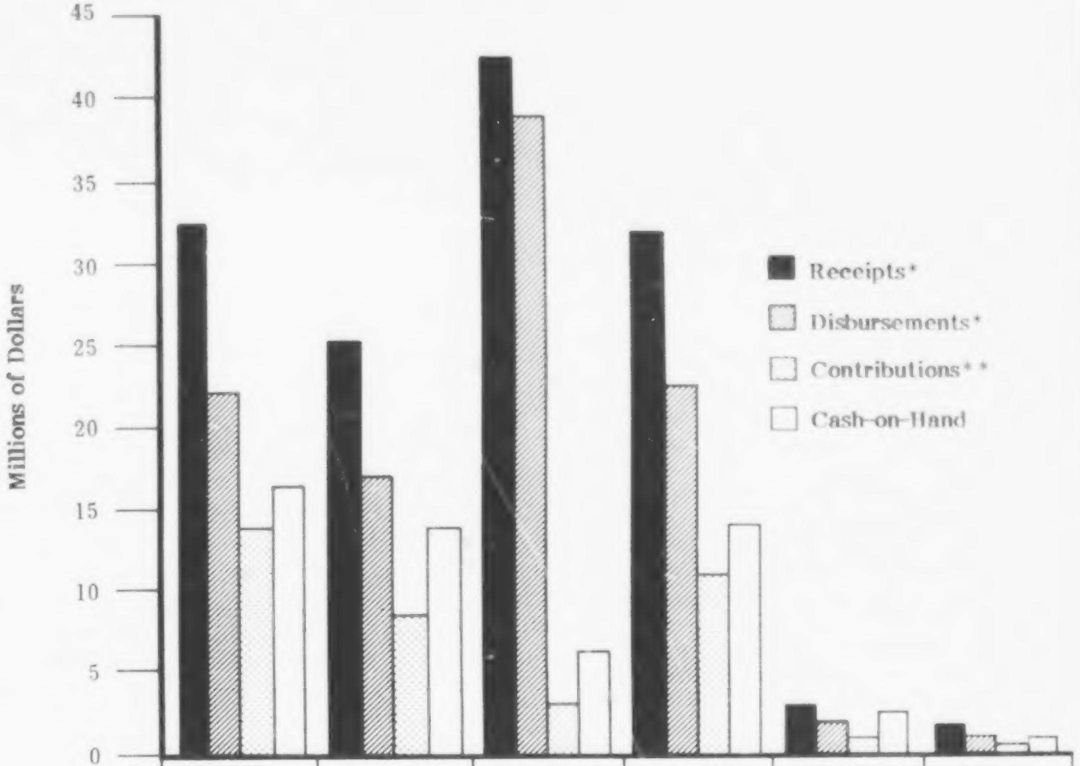
*Includes contributions made by PACs from 1/1/81 - 6/30/82.

**Open seat campaigns refer to the campaigns of all candidates running in a 1981 or 1982 election where the incumbent does not seek reelection.

***Challenger campaigns refer to the campaigns of all those candidates running in an election where an incumbent seeks or did seek reelection. Candidates maintain their challenger status throughout the election cycle, even if the incumbent is defeated in a primary or run-off election.

****Incumbent campaigns are those of candidates who have held a Congressional office at any time during the 97th Congress. With respect to the eight special elections in 1981 and 1982 for vacant House seats, post-election contributions reported being made to the winners are included in the incumbent campaign category. Earlier contributions to these eight campaigns are placed in the open seat category.

CHART IV
FINANCIAL ACTIVITY OF PACS, 1/1/81 - 6/30/82



	Corporations	Labor Organizations	Non-Connected Organizations	Trade/Membership/Health Organizations	Cooperatives	Corporations w/o Stock
Total Number of Committees* **	1,496	389	794	655	49	96
Number of Committees Making Contributions	1,127	209	246	452	36	54

*Receipts and disbursements do not include funds transferred between affiliated committees.

**Includes contributions to committees of: 1982 House and Senate candidates; and all federal candidates (for House, Senate and Presidency) campaigning in future or special elections or retiring debts of former campaigns.

***Includes total number of PACs active in federal elections at any time between January 1, 1981, and June 30, 1982. Since some committees have terminated, this figure does not represent all committees active as of June 30, 1982.

COURT CASES

FEC v. FLORIDA FOR KENNEDY COMMITTEE

On August 2, 1982, the U.S. Court of Appeals for the Eleventh Circuit issued an opinion overturning a ruling of the U.S. District Court for the Southern District of Florida in *FEC v. Florida for Kennedy Committee (FKC)* (Civil Action No. 80-6013). 681 F.2d 1281 (11th Cir. 1982). The appeals court, with Judge Clark dissenting, found that the Commission lacked subject matter jurisdiction over the FKC's activities. The appeals court therefore reversed the district court's order enforcing subpoenas that the Commission had issued to FKC.

The suit was one of four separate suits* filed by the FEC in U.S. district courts that sought enforcement of subpoenas the FEC had issued to several political committees, which had been engaged in promoting the Presidential candidacy of Senator Edward Kennedy during 1979.** The Commission had issued the subpoenas as part of its investigation into a complaint alleging that the "draft Kennedy" committees had unlawfully failed to disclose their affiliation. The complaint further alleged that, as affiliated committees subject to a **single** $5,000 contribution limit, the committees had accepted excessive contributions amounting to $30,000 from the Machinists Non-Partisan Political League, the political arm of the International Association of Machinists.

In ordering enforcement of the subpoenas, the district court held that the subpoenas met the guidelines for enforceability and were within the authority of the FEC. Relying on the Supreme Court's decision in *NAACP v. Alabama* (357 U.S. 499 [1958]), the appeals court maintained, however, that the usual standard for judicial review of agency subpoenas did not apply in the FEC's case. The appeals court reasoned that "the FEC [must] prove to the satisfaction of the courts that it has statutory investigative authority" **before** the courts may order enforcement of FEC subpoenas. The appeals court then found that "committees organized to 'draft' a person for federal office" are not "political committees" within the purview of the Act and are not, therefore, subject to the Commission's investigative authority.

Judge Clark, in his dissent to the majority opinion, concluded that the statutory language and legislative history both demonstrated that "draft" committees fall within the jurisdiction of the Act. Judge Clark argued that to exempt draft committees from the Act "would leave a significant portion of political activity outside the coverage of the Act, a construction rejected by the Supreme Court." Judge Clark also found the court's reliance on *NAACP v. Alabama* to be inappropriate.

On September 22, 1982, the Commission filed a petition with the appeals court for a rehearing of the suit and a suggestion for a rehearing *en banc*, which was denied October 8, 1982.

FEC v. ROBERT EARL SHORT

On September 27, 1982, the U.S. District Court for the District of Minnesota, Third Division, issued a consent order resolving claims brought by the Commission against the defendants in *FEC v. Robert Earl Short, et al.* (Civil Action No. 3-82 Civ. 192). The court levied civil penalties against the defendant committees and dismissed the suit with prejudice against all defendants.

FEC's Claims

In its suit, filed March 1, 1982, the FEC claimed that Employees of Bob Short Companies Committee and Just a Bunch of Plain DFL Folks Who Want Common Sense Government, two political committees, and Larry J. Weisgram and Walter E. Riordan, the treasurer of each committee, respectively, had violated the election law by failing to report disbursements as in-kind contributions to, rather than as independent expenditures on behalf of, the Short for Senate Committee of Volunteers. The FEC alleged the disbursements had exceeded the Act's contribution limits. 2 U.S.C. §§434 and 441a (1976). The FEC further claimed that defendants Robert Earl Short, a 1978 Senate candidate from Minnesota, the Short for Senate Committee of Volunteers, his principal campaign committee, and Robert J. Foster, its treasurer, had also violated the Act by failing to report the Short committee's receipt of these "in-kind contributions." 2 U.S.C. §434 (1976).

Resolution of Claims

In the consent order, the defendant committees agreed that they had violated these provisions of the election law. The defendant committees further agreed to amend their respective reports within 30 days of the consent order to reflect the disbursements made by the donor committees as "in-kind contributions" from the committees to Short's principal campaign committee. Additionally, the Court imposed a civil penalty of $400 on each defendant committee. The court voluntarily dismissed the case as to the individual defendants.

---

*For a detailed summary of these suits, see p. 5 of the July 1981 *Record*.

**The Act, as amended in 1976, defines "political committee" to include any group receiving "contributions" or making "expenditures" totaling more than $1,000 to influence federal elections. 2 U.S.C. §431(d)(1976).

NEW LITIGATION

William A. William v. FEC

On September 28, 1982, plaintiff filed suit in the district court requesting that the court:

-- Declare that the FEC's failure to take final action on an administrative complaint he had filed on April 28, 1982, was contrary to law; and

-- Require that the FEC take final action on the complaint on or before October 28, 1982. (Under the Act, if the FEC has not taken action on a complaint within 120 days after it has been filed, the complainant may file a petition with the U.S. District Court for the District of Columbia. If it finds the FEC's failure to act on the complaint was contrary to law, the court may order the FEC to take final action within 30 days. 2 U.S.C. §437g(a)(8)(A).)

On September 29, 1982, plaintiff filed a motion for a temporary restraining order, a preliminary injunction and an expedited hearing on his case. On October 1, 1982, the court denied plaintiff's motion for a temporary restraining order and scheduled a hearing on his request for a preliminary injunction for October 6, 1982. Since, however, the Commission took final action on the administrative complaint on October 5, 1982, the suit was voluntarily dismissed on October 6, 1982.

U.S. District Court for the District of Columbia, Docket No. 82-2778, September 30, 1982.

CHANGE OF ADDRESS

Political Committees

Registered political committees are automatically sent the Record. Any change of address by a registered committee must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization) and filed with the Clerk of the House, the Secretary of the Senate, or the FEC, as appropriate.

Other Subscribers

Record subscribers (who are not political committees), when calling or mailing in a change of address, are asked to provide the following information:

1. Name of person to whom the Record is sent.
2. Old address.
3. New address.
4. Subscription number. The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Official Business

First Class Mail
Postage & Fees Paid
FEC
Washington, D.C.
Permit No. G-31

11/8-12

FEDERAL ELECTION COMMISSION

RECORD

Volume 8, Number 12 1325 K Street NW Washington DC 20463 December 1982

NEWARK PUBLIC LIBRARY
DEC 21 1982
U. S. [illegible]
DEPOSITORY

STATISTICS

FINANCIAL ACTIVITY OF PARTY COMMITTEES

During the first 18 months of the 1981-82 election cycle, Republican party committees at the national, state and local levels spent five and one-half times as much as their Democratic counterparts and contributed three and one-half times more funds to federal candidates. Of the $134.1 million they spent, Republican party committees contributed 2 percent ($2.68 million) to federal candidates. Democratic party committees, on the other hand, contributed 3 percent ($.76 million) of the total amount they spent ($24.2 million).

The information released by the FEC on October 7, 1982, is based on a four-volume study, FEC Reports on Financial Activity: 1981-82 Interim Report No. 2, Party and Non-Party Political Committees. The study also showed that from January 1, 1981, through June 30, 1982, Republican party committees raised a total of $161.2 million and had a cash-on-hand balance of $33.8 million at the close of the period. By contrast, Democratic party committees raised a total of $24.8 million and had a remaining cash-on-hand balance of $3 million.

Republican party committees also made more coordinated party expenditures* in support of federal candidates in the general election than did Democratic party committees. Through June 30, 1982, Republican party committees spent $.83 million in special coordinated expenditures on behalf of their candidates. Democratic party committees made special coordinated expenditures totaling $.43 million on behalf of their candidates. Since, however, these expenditures may only be made on behalf of general election candidates, most of the major party committees' spending occurred after June 30, 1982, and was not reflected in the Interim Report.

The FEC study also showed a variation in the sources of support provided to the two major parties. For example, PAC** contributions amounted to 8.5 percent ($2.12 million) of Democratic party committees' total receipts ($24.83 million). PAC contributions to Republican party committees, on the other hand, constituted only .6 percent ($.93 million) of their total receipts ($161.2 million).

Single contributions of $500 or more from individuals constituted 19.8 percent of the Democratic party's total receipts (or $4.9 million), while they constituted 15.9 percent of the Republican party's total receipts (or $25.7 million).

More detailed information may be obtained from the four-volume study, FEC Reports on Financial Activity: 1981-82 Interim Report No. 2, Party and Non-Party Political Committees. The study may be purchased ($5.00 per volume) from the FEC's Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463. Checks should be made payable to the FEC.

continued on p. 7

---

*These limited expenditures are separate from contributions made by party committees to candidates and therefore do not count against contribution limits. They are, however, subject to separate expenditure limits. See 2 U.S.C. §441a(d) and 11 C.F.R. 110.7.

**PAC is a popular term used to define any political committee that has not been authorized by a candidate or political party. The term includes a separate segregated fund connected to a corporation or labor organization as well as a political committee without any connected organization (i.e., corporate or labor sponsor).

PUBLIC APPEARANCES

12/2	American Association of Political Consultants Post-election Conference Washington, D.C. Kent Cooper, Assistant Staff Director Public Disclosure
12/8	National Association of Manufacturers 5th National Public Affairs Conference Washington, D.C. Commissioner Lee Ann Elliott
12/8	The Twentieth Century Fund Task Force on Political Committees Washington, D.C. Commissioner Lee Ann Elliott Commissioner Thomas E. Harris

Y3.EL 2/3:

OPINIONS

ADVISORY OPINION REQUESTS

The following chart lists recent requests for advisory opinions (AORs). The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject
1982-57	Congressman-elect's use of excess campaign funds for interim activities; fundraisers for these activities. (Date made public: November 8, 1982; Length: 1 page)
1982-58	Independent magazine's publication of unauthorized solicitation of contributions to PAC. (Date made public: November 8, 1982; Length: 1 page)
1982-59	Transfer of defeated incumbent's campaign funds to committee supporting unidentified candidate for incumbent's seat in 1984. (Date made public: November 9, 1982; Length: 1 page)

ADVISORY OPINIONS: SUMMARIES

An Advisory Opinion (AO) issued by the Commission provides guidance with regard to the specific situation described in the AOR. Any qualified person who has requested an AO and acts in accordance with the opinion will not be subject to any sanctions under the Act. Other persons may rely on the opinion if they are involved in a specific activity which is indistinguishable in all material aspects from the activity discussed in the AO. Those seeking guidance for their own activity, however, should consult the full text of an AO and not rely only on the summary given here.

AO 1982-54: Corporate Member Approvals Sought by Association PAC for Solicitations in Following Year*

Public Securities Association Political Action Committee (PSA-PAC), the separate segregated fund of a trade association called the Public Securities Association (PSA), may send mailings to PSA's corporate members during the last three months of 1982 to request their approval to solicit their solicitable personnel during 1983. The Act and Commission Regulations state that a corporate member's prior approval of solicitations for the separate segregated fund is valid only for the calendar year in which the approval is obtained. The regulations do not specify, however, when the trade association or its separate segregated fund must **request** the approval for such solicitations. 2 U.S.C. §441b(b) (4)(D); 11 CFR 114.8(d)(4); Re: AOR 1976-113.

The Commission cautioned that PSA-PAC must receive the approvals **after** December 31, 1982, in order to conduct solicitations in 1983. Commissioners Lee Ann Elliott and Joan D. Aikens filed dissenting opinions. (Date issued: November 9, 1982; Length: 6 pages, including dissents)

AO 1982-55: Combined Payment of Membership Dues and PAC Contributions to Association's Trust Account

The Prince George's County Board of Realtors, Inc. (the Board) may solicit contributions to its political fund, the Realtors Political Action Committee (RPAC), by using a combined dues payment/contribution plan. Moreover, the Board may establish a special trust account to separate two types of payments made by two types of payers: separation of dues payments by individuals from their contributions to influence federal elections, on the one hand; and separation of dues payments by member corporations from their contributions for Maryland's state and local elections, on the other.

---

*On November 18, 1982, the Commission voted to endorse a new regulation which would permit trade associations to seek and receive corporate approval of solicitations to take place in the following year. The regulation has not yet been sent to Congress, which has the authority to disapprove Commission regulations. See Agenda Document No. 82-166.

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Frank P. Reiche, Chairman; Danny Lee McDonald, Vice Chairman; Joan D. Aikens; Lee Ann Elliott; Thomas E. Harris; John Warren McGarry; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

Under the plan, the Board will send individual and corporate members a statement billing them for both membership dues and a contribution, payable by one check for the total amount. The billing statement, as proposed by the Board, will indicate that the Board's contribution guidelines are merely suggestions, that the contributor may give more or less than the suggested amount and that, if a member does **not** wish to make a contribution, the member should deduct the suggested contribution amount from the total shown on the billing statement. This proposed billing notice is permissible under the Act provided it is modified to indicate that a member will not be favored or disadvantaged by the amount of a contribution or a decision not to contribute. 11 CFR 114.5(a)(7); AO 1982-11.

The Board's use of a separate trust account is consistent with the established purpose of a transmittal account, that is, to separate membership dues from contributions. (See AO's 1978-42 and 1979-19.) Moreover, the trust account may be used to transmit corporate contributions **not** permissible in federal elections to a separate account for state and local elections. Section 102.5(a)(1) of Commission Regulations specifically permits a political committee financing activity in connection with both federal and nonfederal elections to establish a separate account solely for federal election activity. By using the trust account to separate contributions permissible under the Act from impermissible contributions (i.e., contributions from corporate members), the Board can ensure that no impermissible contributions are forwarded to RPAC's federal account. (Date issued: October 29, 1982; Length: 4 pages)

AO 1982-56: Congressional Candidate's Endorsement of Local Candidate in Local Candidate's T.V. Ad

Congressman Andrew Jacobs (D-Ind.) appeared in a television ad sporsored by the campaign committee for Ann Delaney, a Democratic candidate for county prosecutor. His appearance did not, however, result in an in-kind contribution to Congressman Jacobs' reelection campaign because the ad did not endorse or seek to influence Congressman Jacobs' reelection. Rather, the 30-second ad was limited to advocating Ms. Delaney's election. The ad did not mention Congressman Jacobs' candidacy or advocate his opponent's defeat; nor did it solicit contributions to his campaign. Consequently, the payments made by the Delaney campaign in connection with Congressman Jacobs' appearance in the t.v. ad are not reportable by his campaign committee.

The Federal Election Commission (FEC) expressed no opinion on the application of the Communications Act or Federal Communications Commission regulations to the ad because they are outside the FEC's jurisdiction. (Date issued: October 29, 1982; Length: 3 pages)

800 LINE

In recent weeks, the Public Communications Office has received inquiries from candidates who wish to conduct concert fundraisers in order to retire debts of their primary and/or general election campaigns. The following article is offered in response to these questions. For further information, call the Commission at 202/523-4068 or toll free 800/424-9530. See also advisory opinions 1977-22 and 1980-42.

CONCERT FUNDRAISERS

May an entertainer volunteer his or her services for a fundraising concert held to retire debts of a candidate's primary or general election campaign?

Yes. However, to qualify as a volunteer, the entertainer may not accept any compensation for the services he or she provides. 2 U.S.C. §431(8)(B). (For full details, see AO's 1977-22 and 1980-42.)

What steps should the candidate's campaign committee take to ensure that the support services provided in conjunction with the concert do not result in excessive or prohibited contributions to the candidate?

The campaign committee must reimburse the entertainer, and any other individuals and vendors, for the support services and materials they pay for in connection with the fundraising concert. For example, if the entertainer pays for the services of a lighting crew and back-up band or for stage props, these production expenses must be reimbursed by the committee, or else they will be regarded as contributions to the candidate.

However, individuals other than the entertainer may also volunteer their services (but not goods), that is, provide them without any compensation from anyone. As such, these services are not contributions.

continued

Is the full price of a ticket for the concert fundraiser considered a contribution to the candidate's campaign?

Yes. Ticket purchases are considered contributions in the full amount of the purchase price. Any purchases, therefore, are subject to the Act's prohibitions and contribution limits (i.e., the limits for a primary, runoff, special or general election campaign). 11 CFR 100.7(a)(2).

What controls should the candidate's campaign committee establish to ensure that ticket purchases do not result in prohibited or excessive contributions to the campaign?

In AO 1980-42, the Commission said that advance publicity and notices at sales locations (e.g., flyers, posters and handbills) must inform potential ticket purchasers that the concert will benefit the candidate's campaign. These signs must also advise purchasers of the Act's limits and prohibitions on contributions. To avoid receiving anonymous contributions exceeding $50 (which cannot be used in federal elections), the committee might also require that ticket purchases of $50 or more either be paid by check or be paid in cash and accompanied by a statement identifying the donor's name and address. 11 CFR 110.4(c)(3).

Does a disclaimer notice have to be used for newspaper ads or radio and t.v. spots advertising the fundraising concert?

Yes. A public political ad promoting the concert must include an authorization notice: "Paid for by ____________________ for Congress Committee." 2 U.S.C. §441d; 11 CFR 110.11.

Does any special disclaimer notice have to appear on concert tickets?

It depends on the size of the ticket. If the tickets are the usual size of concert tickets, a disclaimer notice is not required. 11 CFR 110.11(a)(2).

Since ticket proceeds are treated as contributions to the candidate's campaign committee, what controls should the committee establish to ensure compliance with the Act's recordkeeping requirements?

Records must be kept of total concert proceeds. In addition, the name and address of the purchaser must be obtained when his/her ticket purchases exceed $50 at the same selling location. When ticket purchases by one person exceed $200, records must also identify the purchaser's (i.e., contributor's) occupation and the name of his/her employer. In addition, detailed records must be kept of any political committee purchasing tickets, regardless of the amount of the committee's purchase. 2 U.S.C. §432(b); 11 CFR 102.9.

How should the candidate's campaign committee report ticket proceeds?

The committee must follow the same procedures in reporting ticket proceeds that it uses in reporting contributions. This means that: 1) All purchases of $200 or less must be lumped together and reported as part of the total figure for unitemized contributions on Form 3, Detailed Summary Page; and 2) Any ticket purchase exceeding $200 from the same purchaser, or exceeding $200 when added to other contributions the purchaser has made to the candidate's campaign during the year, must be itemized on Schedule A. Tickets purchased by political committees, regardless of amount, must also be itemized on Schedule A. 11 CFR 104.3(a)(i), 104.3(a)(4)(i) and 104.8.

How should the candidate's campaign committee report payments for concert expenses?

Any payments the committee makes for concert expenses must be reported as operating expenditures and, if the combined total of payments exceeds $200 to the same payee, they must be itemized on Schedule B. 11 CFR 102.9(b) and 104.3(b)(4)(i).

May a candidate's campaign committee contract with a promoter to handle concert arrangements?

Yes, provided the promoter's fee represents the usual and normal charge for his or her services at the time the contract is signed. 11 CFR 100.7(a)(1)(iii) and 100.8(a)(1)(iv). (For details on one such arrangement, see AO 1980-42.)

continued

FEDERAL REGISTER

FEDERAL REGISTER NOTICES

The item below identifies an FEC document that appeared in the Federal Register on October 1, 1982. Copies of this notice are available in the Public Records Office.

Notice	Title
1982-8	11 CFR, Parts 106 and 9031 through 9039; Presidential Primary Matching Fund -- extension of deadline for comments on notice of proposed rulemaking (47 Fed. Reg. 43392)

What types of concert arrangements may the promoter handle?

As long as the promoter is acting as the **authorized agent** of the candidate's campaign committee, he or she may handle all concert arrangements for the campaign, including: advance publicity, concert hall rental, ticket sales and promotion arrangements. The promoter may also handle ticket proceeds and pay concert expenses. All these activities are, however, subject to the requirements of the Act and Commission Regulations.

Under the contractual arrangements, may ticket sales be made at outlets normally used for commericial concerts?

Yes, assuming this sales arrangement meets all statutory and regulatory requirements. Moreover, the candidate's campaign committee must establish controls at each ticket sales outlet to ensure compliance with the Act's recordkeeping requirements. (See above.)

May ticket purchasers make their checks payable to either the promoter or the ticket sales outlet?

Yes, although it is preferable to have checks made payable to the candidate's campaign committee. Any checks that are not made payable to the candidate's campaign committee must, however, be deposited in a special account established for the fundraiser. 2 U.S.C. §432(b)(3); 11 CFR 102.15.

How does the special account work?

The campaign committee must designate the bank where the special account is established as an **official campaign depository** by amending its Statement of Organization (FEC Form 1). Moreover, since the ticket proceeds are to be treated as "contributions," the promoter must deposit them in the special account within 10 days of their receipt. 11 CFR 103.3(a).

May the promoter pay concert expenses directly from the special account?

Yes. The promoter may pay these expenses by using checks drawn on the special account. 2 U.S.C. §432(h)(1); 11 CFR 102.10 and 103.3.

May the promoter pay any concert expenses from his own checking account?

No. The promoter must pay all concert expenses from the special account designated by the candidate's campaign committee.

Must the promoter keep records of all proceeds deposited in the special account, as well as expenditures made from it?

Yes. 2 U.S.C. §432; 11 CFR 102.9. Using these records, the candidate's campaign committee must then disclose the information on its next regularly scheduled report. (See reporting requirements above.)

If the candidate's campaign committee pays for a portion of the concert expenses directly from its campaign account, how should it report them?

The same reporting procedures apply to concert expenses that are paid directly from the campaign committee's account or from the special account established for the fundraiser. (See above.)

How should the committee report the promoter's fees?

If total payments to the promoter exceed $200 during the year, they must be itemized as an operating expenditure on Schedule B, with the promoter identified as the payee. If less than $200, the payments would be reported as part of the total figure for disbursements on Form 3, Detailed Summary Page. 2 U.S.C. §434(b)(4) and (b)(5)(A); 11 CFR 104.3(b)(4).

After all concert expenses (including the promoter's fees) have been paid, may the balance of the proceeds be transferred to the general account of the campaign committee?

Yes.

AUDITS

AUDITS RELEASED TO THE PUBLIC

The following is a chronological listing of audits released by the Commission between September 23 and October 1, 1982. The audit reports are available to the general public in the Public Records Office.

1. Reagan Bush Committee, Reagan Bush Compliance Fund and Democrats for Reagan (addendum to final audit report for the general election campaign, released September 23, 1982)
2. Democratic Executive Committee of Florida (final audit report, released October 1, 1982)
3. Citizens for LaRouche (addendum to final audit report for the primary campaign, released October 1, 1982)

COURT CASES

NEW LITIGATION

Satellite Business Systems v. FEC

Satellite Business Systems (SBS), a partnership composed of three unaffiliated corporations, claims that the FEC misconstrued Section 441b(a) of the Act in an advisory opinion issued to plaintiff on March 15, 1982. (In AO 1981-56, the Commission stated that the Act barred SBS from either establishing a separate segregated fund or making direct contributions for federal elections.) SBS therefore asks the court to declare that:

1. The Commission's decision in AO 1981-56 was erroneous and SBS should, therefore, be allowed to participate in federal elections; and
2. Section 441b(a), as construed by the Commission in AO 1981-56, violates plaintiff's First and Fifth Amendment rights.

U.S. District Court for the District of Columbia, Civil Action No. 82-2900, October 12, 1982.

COMPLIANCE

FEC PUBLISHES THE NAMES OF NONFILERS

On October 29, 1982, the Commission published separate listings of authorized candidate committees that had failed to file either their third quarterly or their pre-general election reports. In accordance with the federal election law, the Commission published the names of five House campaigns which had failed to file their third quarterly report, due by October 15. During 1982, a quarterly report is required of all authorized candidate committees active in the 1982 elections, as well as of all authorized Presidential committees and all unauthorized committees that choose to file on a quarterly (rather than a monthly) basis. Prior to this publication, the campaigns had received mailgrams notifying them of their failure to file the report.

On October 29, the Commission also published the names of 21 House campaigns and one Senate campaign in 14 different states which had failed to file their pre-general election reports, due 12 days before the November 2 general election. Other political committees not authorized by candidates (i.e., noncandidate committees) were also required to file the pre-general election report if they had made contributions, coordinated party (§441a(d)) expenditures or independent expenditures in connection with the general election.

Further Commission actions against committees that failed to file reports required during the 1982 election year will be decided on a case-by-case basis. The Act gives the Commission broad authority to initiate enforcement actions against any nonfiler, including civil enforcement and the imposition of civil penalties.

INFORMATION

FEC COMMENTS ON FCC'S PROPOSED REINTERPRETATION OF RULES GOVERNING CANDIDATE DEBATES

On October 14, 1982, the FEC submitted comments to the Federal Communications Commission (FCC) concerning the FCC's proposed reinterpretation of equal opportunity rules governing candidate debates sponsored by broadcast licensees. Under the proposed reinterpretation of Section 315(a)(4) of the Communications Act, the broadcasting of candidate debates sponsored by broadcasters would be considered "on-the-spot coverage of bona fide news events" exempt from the equal opportunity rules. (Under the current rules, broadcasters sponsoring candidate debates must provide equal opportunities for all legally qualified candidates to air their political views.*) The FCC had sought comments on the reinterpretation of the equal opportunity rules in a notice published in the Federal Register September 20, 1982 (47 Fed. Reg. 41421).

---

*A candidate debate may be exempted from the equal opportunities rules, however, if it is: arranged and sponsored by a party **other than the broadcaster**; broadcast in its entirety, live or no later than the day following the event; and covered because of the broadcaster's reasonable, good faith judgment that the debate is newsworthy and not for the purpose of giving a political advantage to any candidate.

STATISTICS

continued from p. 1

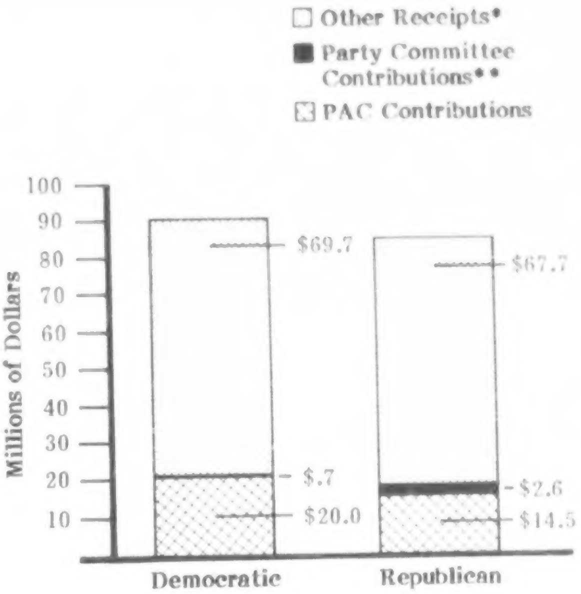
1982 CONGRESSIONAL CAMPAIGNS SPEND RECORD AMOUNT

During the first 18 months of the 1982 election cycle, campaign spending by 2,020 House and Senate candidates reached $133.6 million, an amount $30.6 million higher than spending by 2,184 candidates during the same period in the 1980 elections and $53 million higher than spending by 1,812 candidates in the 1978 elections.

The information released by the FEC on October 6, 1982, is based on an interim study, FEC Reports on Financial Activity: 1981-82 U.S. Senate and House Campaigns. The study showed that from January 1, 1981, through June 30, 1982, Congressional candidates raised a total of $175.6 million for their campaigns. Of this amount, $34.6 million (or 20 percent) was contributed by PACs.* During the same period in 1979-80, Congressional candidates had raised $125.8 million, of which $20.8 million (or 16.5 percent) came from PACs. Receipts for 1977-78 campaigns totaled $93.6 million, with PACs having contributed $10.7 million (or 11 percent) of this amount. The charts below detail contributions made to 1982 Congressional candidates by the various categories of contributors.

More detailed information may be obtained from FEC Reports on Financial Activity, 1981-82 -- Interim Report No. 1: Senate and House Campaigns. The study may be purchased for $5.00 from the FEC's Public Records Office, 1325 K Street, N.W., Washington, D.C. 20463. Checks should be made payable to the FEC.

CHART I
CAMPAIGN RECEIPTS OF 1982 CONGRESSIONAL CANDIDATES
1/1/81 - 6/30/82



---

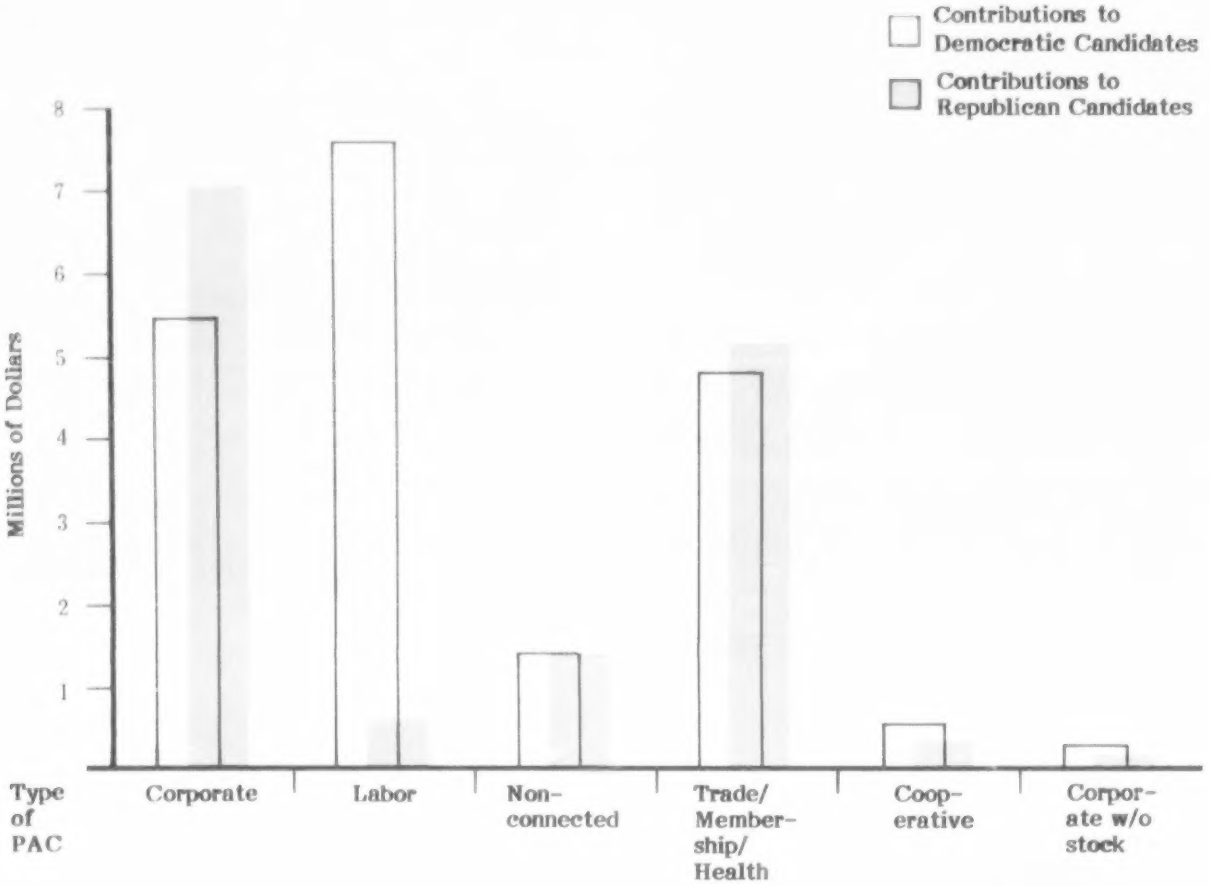
*PAC is a popular term used to define any political committee that has not been authorized by a candidate or a political party. The term includes a separate segregated fund connected to a corporation or labor organization as well as a political committee without any connected organization (i.e., corporate or labor sponsor).

*Other campaign receipts include, for example, contributions from individuals, contributions from candidates to their own campaigns, transfers among authorized committees of the same candidate, loans, refunds, and interest income earned on investments.

**Party contributions include contributions from national, state and local party committees registered with the FEC. These figures do not include coordinated party expenditures made by national and state party committees on behalf of federal candidates in general elections. 2 U.S.C. §441a(d); 11 CFR 110.7. Nor do the figures include disbursements by state and local party committees that benefit federal candidates but are exempt from the definitions of contribution and expenditure. 2 U.S.C. §§431(8)(B)(v), (x), and (xii); 11 CFR 100.7(b)(9) and 100.8(b)(10).

continued

CHART II
PAC CONTRIBUTIONS TO 1982
HOUSE AND SENATE CANDIDATES
1/1/81 - 6/30/82



FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Official Business

First Class Mail
Postage & Fees Paid
FEC
Washington, D.C.
Permit No. G-31

11/8/ind.

FEDERAL ELECTION COMMISSION

RECORD

1982 1325 K Street NW Washington DC 20463 Volume 8

NEWARK PUBLIC LIBRARY

MAR 1 8 198

U. S. GOVT. PUBS.
DEPOSITORY 376

INDEX 1982

This index covers the twelve monthly issues of Volume 8 of the Record published in 1982. Citations are expressed as follows: "4:5." The first number in the citation refers to the "Number" (month) of the Record issue. The second number, following the colon, indicates the page number in that issue. Thus, "4:5" means the article is in Record Number 4 (April), on page 5.

ADMINISTRATIVE EXPENSES

- Paid by corporation for separate segregated fund or by organization for nonconnected PAC, 10:4
- Reimbursement of, by union to its PAC, prohibited, AO 1982-42, 9:3

ADVISORY OPINIONS

- Alternate disposition of Advisory Opinion Requests
  - -AOR 1981-47, 1:5
  - -AOR 1982-51, 10:2
- Available on microfilm, 10:2
- Concurring Opinions
  - -To 1981-50, 2:2
  - -To 1982-26, 8:4
  - -To 1982-35, 8:3
  - -To 1982-37, 7:5
- Dissenting Opinions
  - -To 1981-36, 1:3
  - -To 1981-41, 1:3
  - -To 1981-51, 3:3
  - -To 1982-3, 5:4
  - -To 1982-5, 6:3
  - -To 1982-10, 5:4
  - -To 1982-13, 6:4
  - -To 1982-14, 6:4
  - -To 1982-18, 6:5
  - -To 1982-19, 7:3
  - -To 1982-24, 6:6
  - -To 1982-27, 6:6
  - -To 1982-34, 8:3
  - -To 1982-36, 8:3
  - -To 1982-40, 9:3
  - -To 1982-43, 9:3
  - -To 1982-44, 10:3
- Indexes available to, 2:3; 8:2
- Legal challenge to conclusion of AO 1981-56, 12:6
- Summary of Advisory Opinions
  - -1981-34: Funds transferred from membership organization's legislative fund to its PAC, 1:2
  - -1981-36: PAC established by trade association with foreign national members, 1:3
  - -1981-41: Trade association's methods of obtaining PAC solicitation approvals, 1:3
  - -1981-46: Exchange of mailing lists between candidate committee and other committees and organizations, 1:4
  - -1981-48: Recordkeeping requirements for party's bingo fundraisers, 1:4
  - -1981-49: Holding company's state and local activity, 3:3
  - -1981-50: Members' participation in partnership contributions, 2:2
  - -1981-51: Volunteer services offered by foreign artist to candidate, 3:3
  - -1981-52: Trade association's solicitation of its unincorporated members, 3:3
  - -1981-53: Campaign's sale of mailing list to corporation, 4:2
  - -1981-54: PAC established by joint venture partnership, 4:2
  - -1981-55: PAC solicitation of members of organization affiliated with its parent, 3:3
  - -1981-56: PAC established by partnership of three corporations, 5:3
  - -1981-57: Earmarking contributions through payroll deduction plan of union PAC, 3:4
  - -1981-58: Campaign funds used for litigation involving Congressional reapportionment, 3:4
  - -1981-59: Joint fundraising proceeds transferred between state/federal PACs, 3:4
  - -1981-60: Solicitation letters forwarded to other individuals, 4:3
  - -1981-61: Holding company's contributions to state party committee, 3:5
  - -1982-1: Funds transferred from 1982 House to 1982 Senate campaign, 3:5
  - -1982-2: Trade association's partisan communications to members, 5:3
  - -1982-3: Testing-the-water activities of potential Presidential candidate, 5:4
  - -1982-4: Procedures for reporting campaign's renovation of leased property, 7:3

Y3.EL 2/3:

-1982-5: Allocation of federal/nonfederal expenses of national party conference, 6:3
-1982-7: PAC's computer-designed reporting form, 6:3
-1982-8: Receipt and disbursement of credit units by barter industry PAC, 8:2
-1982-9: Portion of honorarium given to charity, 5:4
-1982-10: Contributions and expenditures in connection with nonfederal elections by wholly-owned subsidiary of foreign corporation, 5:4
-1982-11: Trade association PAC's combined dues collection/political contribution plan, 5:5
-1982-12: Trade association's solicitations, 6:4
-1982-13: Law partnership's contribution plan, 6:4
-1982-14: Fund to influence Congressional reapportionment, 6:4
-1982-15: Law partnership's legal service ads, 6:4
-1982-16: Combined fundraiser/author's party financed by publishing corporation, 5:5
-1982-17: Party committee's deposit of public funds in federal account, 6:5
-1982-18: Corporate PAC's solicitation of affiliated corporations, 6:5
-1982-19: Testing-the-waters activities of potential Presidential candidate, 7:3
-1982-20: Services supplied to independent expenditure committee and candidate it supports, 6:5
-1982-21: Contribution by PAC to another PAC as index of affiliation, 6:5
-1982-22: Single contribution limit for campaigns waged in two Congressional districts, 5:5
-1982-23: Contributions earmarked by terminating committee through local party organization, 6:6
-1982-24: Fundraising through sale of artworks consigned by artists, 6:6
-1982-25: Disbursements made by wire transfer, 6:6
-1982-26: Association's solicitations of member municipal corporations, 7:4
-1982-27: City's fund to finance Presidential nominating convention, 6:6
-1982-28: State-chartered corporation established under federal law, 6:7
-1982-29: Payroll deduction plan for corporation's subsidiaries, 6:7
-1982-30: Discount coupon books as fundraising item, 7:4
-1982-31: Legal and accounting services provided by student on a scholarship, 7:4
-1982-32: Multicandidate status for former draft committee, 7:5
-1982-33: Disposal of excess campaign funds and assets, 7:5
-1982-34: Payroll deduction plan of foreign subsidiary of U.S. corporation, 8:3
-1982-35: Fund for contesting primary ballot access, 8:3
-1982-36: Merger of trade association PACs; donation of fundraising items, 8:3
-1982-37: Donations for reapportionment litigation, 7:5
-1982-38: Accounting method for county party organizations' contributions, 8:4
-1982-39: Transfer of excess funds between Senate candidate's committees, 8:4
-1982-40: Conversion of membership organization's state PAC to federal PAC, 9:3
-1982-41: Mailing lists exchanged between campaign committee and other organizations, 8:4
-1982-42: Union reimbursement of PAC's administrative costs, 9:3
-1982-44: Donation of free air time to national party committees by broadcaster, 10:3
-1982-45: Affiliation of public works organizations for purposes of PAC solicitations, 9:4
-1982-46: Political committee status for state PAC, 9:4
-1982-47: Single contribution limit for candidate seeking nomination by three parties, 10:3
-1982-48: Coordinated party expenditures on behalf of independent candidate, 10:3
-1982-49: Contributions designated for primary which was never held, 11:2
-1982-52: Funds transferred from state campaign to federal campaign for debt retirement, 11:2
-1982-54: Corporate member approvals obtained by association PAC, 12:2
-1982-55: Combined payment of membership dues and PAC contributions, 12:2
-1982-56: Congressional candidate's endorsement of local candidate, 12:3

The Record is published by the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. Commissioners are: Danny Lee McDonald, Chairman; Lee Ann Elliott, Vice Chairman; Joan D. Aikens; Thomas E. Harris; John Warren McGarry; Frank P. Reiche; William F. Hildenbrand, Secretary of the Senate, Ex Officio; Benjamin J. Guthrie, Clerk of the House of Representatives, Ex Officio. For more information, call 202/523-4068 or toll-free 800/424-9530.

AMERICAN CHIROPRACTIC ASSOC. POLITICAL ACTION COMMITTEE (ACA-PAC)
- Requester, AO 1982-11, 5:5

AMERICAN MEDICAL POLITICAL ACTION COMMITTEE (AMPAC)
- Requester, AO 1981-55, 3:3

AMERICAN PUBLIC POWER ASSOC. (APPA)
- Requester, AO 1982-26, 7:4

JERRY APODACA FOR U.S. SENATE COMMITTEE
- Requester, AO 1982-4, 7:3

AUDIO-VISUAL COMMUNICATIONS FUND
- Requester, AO 1982-36, 8:3

AUDITS
- Of Presidential primary campaign challenged, Carter/Mondale Presidential Comm., Inc. v. FEC, 9:6
- Procedures challenged
  - -Kennedy for President Committee v. FEC, 2:8
  - -Reagan Bush Committee v. FEC, 2:7
- Released to public, 1:7; 3:8; 5:8; 7:7, 10:7, 12:5

BANKS
- Contributions by holding company of federally chartered bank
  - -To nonfederal elections, AO 1981-49, 3:3
  - -To state party committee, AO 1981-61, 3:5

BARTERPAC
- Requester, AO 1982-8, 8:2

BARTLETT, STEVE
- Requester, AO 1982-22, 5:5

BEARCE, ROBERT
- Requester, AO 1981-60, 4:3

BREAD POLITICAL ACTION COMMITTEE
- _________ v. FEC, 5:6

CANDIDATE
- Ballot access fees, exempt, 8:1
- Campaign expenditures made through wire transfer of funds, AO 1982-25, 6:6
- Campaign funds transferred between former and current committees, AO 1982-1, 3:5
- Campaign funds used for litigation involving Congressional reapportionment, AO 1981-58, 3:4
- Campaign's violation of contribution and reporting requirements alleged, FEC v. Nick Mastorelli Campaign Fund, 4:4
- Concert fundraisers sponsored by, 12:3
- Contributions by former draft committee to Senator's campaign, AO 1982-32, 7:5
- Contributions designated for primary never held, AO 1982-49, 11:2
- Contributions to, by unregistered party organizations, AO 1982-38, 8:4
- Contributions to, in credit units, AO 1982-8, 8:2
- Contributor lists exchanged with other committees and organizations, AO 1981-46, 1:4
- Coordinated party expenditures on behalf of independent candidate, AO 1982-48, 10:3
- Earmarked contributions to
  - -Through local party organization, AO 1982-23, 6:6
  - -Through union PAC's payroll deduction plan, AO 1981-57, 3:4
- Excess funds transferred between committees of, AO 1982-39, 8:4
- Exchange of mailing lists between campaign of, and other organizations, AO 1982-41, 8:4
- Expenditures by unauthorized committees for publicly funded Presidential nominee, challenged, FEC v. Americans for Change, 3:1
- FCC proposes reinterpretation of rules governing candidate debates, 12:6
- Fundraising items sold to campaign, AO 1982-30, 7:4
- Information on, available from reports and computer indexes, 8:1
- In-kind contributions to, reported as independent expenditures on behalf of, FEC v. Robert Earl Short, 5:7; 11:6
- Law firm's advertising costs exempt as contribution to partner's candidacy, AO 1982-15, 6:4
- Legal expense fund of, for contesting primary ballot access, AO 1982-35, 8:3
- Mailing list purchased from authorized committee by corporation, AO 1981-53, 4:2
- Media-buying services supplied simultaneously to candidate and independent expenditure committee, AO 1982-20, 6:5
- Notices to, for failure to file reports, 3:1, 10:7
- Property owned jointly with spouse, proposed revisions of regulations, 9:6
- Publisher's combined fundraiser/author's party for, AO 1982-16, 5:5
- Renovation of campaign headquarters, AO 1982-4, 7:3
- Reports filed by, 2:3, 4:1, 10:1
- Single contribution limit for
  - -Campaign shifted from one Congressional district to another, AO 1982-22, 5:5
  - -Candidate seeking nomination by three parties, AO 1982-47, 10:3
- Solicitation letters of, forwarded by citizen, AO 1981-60, 4:3
- Testing-the-water activities of potential Presidential candidate, AO 1982-3, 5:4; AO 1982-19, 7:3

T.V. ad including Congressional candidate's endorsement of local candidate, AO 1982-56, 12:3
See also: AUDITS; PRESIDENTIAL ELECTIONS; PUBLIC FINANCING; STATISTICS

CARTER/MONDALE PRESIDENTIAL COMMITTEE, INC.
__________ v. FEC, 9:6

CHARTS ON STATISTICS
For 1979-80 election cycle
-Congressional candidates, 7:6
-Independent expenditure activity, 3:7
-Presidential primary activity, 3:6
For 1981-82 election cycle
-Congressional candidates, 12:7-8
-Independent expenditure activity, 8:8
-PAC activity, 8:9-10; 11:4-5; 12:8
-Party activity, 12:7-8
See also: STATISTICS

COAL MINERS POLITICAL ACTION COMMITTEE (COMPAC)
Requester, AO 1981-57, 3:4

COMMERCIAL BANKSTOCK, INC.
Requester, AO 1981-61,3:5

COMMISSIONERS
See: FEDERAL ELECTION COMMISSION

COMMITTEE FOR BETTER GOVERNMENT
FEC v. __________, 4:3

COMMITTEE TO RE-ELECT SENATOR MOYNIHAN
Requester, AO 1982-38, 8:4

COMMUNICATIONS/ADVERTISING
Broadcast corporation's donation of free air time to major political parties, AO 1982-44, 10:3
Congressional candidate's endorsement of local candidate in t.v. ad, AO 1982-56, 12:3
FCC proposes reinterpretation of rules governing candidate debates, 12:6
Law firm's advertising costs exempt as contribution to partner's candidacy, AO 1982-15, 6:4
Media-buying services supplied simultaneously to independent expenditure committee and candidate, AO 1982-20, 6:5
Newspaper's issue chart on Presidential candidates, Richard B. Kay v. FEC, 2:9
Pamphlets advocating candidates in 1978 federal elections, FEC v. Massachusetts Citizens for Life, Inc., 4:4
Publicity for concert fundraiser, 12:4
Regulations on corporate and labor organization communications, proposed revisions announced, 2:10
Trade association's partisan communications to members, AO 1982-2, 5:3
Videotape distributed by publishing company, Reader's Digest Assoc., Inc. v. FEC, 2:9

COMPLIANCE
Audit procedures challenged
-Kennedy for President Committee v. FEC, 2:8
-Reagan Bush Committee v. FEC , 2:7
Ballot access exemptions clarified, 8:1
FEC determinations in administrative complaints challenged
-Archie E. Brown v. FEC, 1:6
-Democratic Senatorial Campaign Committee v. FEC, 1:6
-Richard B. Kay v. FEC, 2:9
-William A. Wilson v. FEC, 11:7
Investigatory powers challenged
-Re: activities of publicly funded Presidential primary campaign, Carter/Mondale Presidential Comm., Inc. v. FEC, 9:6; Dolbeare, et al. v. FEC, 5:6
-Re: alleged corporate contributions in connection with Presidential primary campaign, Reader's Digest Assoc., Inc. v. FEC, 3:7; 5:5
Legal and accounting services, exempt, AO 1981-56, 5:3
Legislative recommendations for changes in procedures, 1:5
Nonfiler procedures revised, 3:1
Nonfilers published, 1:7; 5:8; 6:8; 12:6
Preemption by FECA
-Of state laws prohibiting corporate payroll deduction plan, AO 1982-29, 6:7
Summaries of enforcement cases
-MUR 1398: Independent Expenditures, Multicandidate Committee Status, Prohibited Contributions, 10:5
-MUR 1399: Independent expenditures made by projects of national independent expenditure committee, 9:7
Technical amendments to regulations re: annual honoraria limit, 5:7
See also: NONFILERS, REGULATIONS

CONTRIBUTIONS
Accounting method for contributions of unregistered party organizations, AO 1982-38, 8:4
Artworks purchased from authorized candidate committee as, AO 1982-24, 6:6
Ballot access fees exempt, 8:1
By former draft committee to Senator's current campaign, AO 1982-32, 7:5
By holding companies of federally chartered banks, for nonfederal elections, AO 1981-49, 3:3; AO 1981-61, 3:5

By PAC to another PAC as index of affiliation, AO 1982-12, 6:5
By wholly-owned subsidiary of foreign corporation, in nonfederal elections, AO 1982-10, 5:4
Campaign's receipt of excessive and corporate contributions alleged, FEC v. Nick Mastorelli Campaign Fund, 4:4
Concert fundraising proceeds, as, 12:3
Corporate partnership's challenge to §441b(a), Satellite Business Systems v. FEC, 12:6
Costs of forwarding candidate solicitation letters, as, AO 1981-60, 4:3
Credit units, as, AO 1982-8, 8:2
Designated for primary never held, AO 1982-49, 11:2
Donation of corporate merchandise as fundraising items, exempt, AO 1982-36, 8:3
Donations to draft committee, exempt, FEC v. Florida for Kennedy Committee, 11:6
Donations to legal expense fund, exempt, AO 1982-35, 8:3
Earmarked
    -Through local party organization, AO 1982-23, 6:6
    -Through union PAC's payroll deduction plan, AO 1981-57, 3:4
Entertainer's services for concert fundraiser, exempt, 12:3
Exchange of mailing lists between candidate committee and other committees and organizations, exempt, AO 1981-46, 1:4
Fund to influence Congressional reapportionment, exempt, AO 1982-14, 6:4; AO 1982-37, 7:5
Fundraising items sold by vendor to campaign, exempt, AO 1982-30, 7:4
In-kind contributions reported as independent expenditures
    -FEC v. Robert Earl Short, 5:7, 11:6
    -MUR 1398, 10:5
Law firm's advertising costs exempt as contribution to partner's candidacy, AO 1982-15, 6:4
Law student's services to campaign, exempt, AO 1981-31, 7:4
Legislative recommendations to modify limits, 1:5
Limitations
    -Application of, to transfer of contributions for old campaign to future campaigns, AO 1982-1, 3:5; AO 1982-39, 8:4
    -Constitutional challenge to, NCPAC/Stahlman v. FEC, 2:8
    -Single limit applies when candidate seeks nomination by three parties to one office, AO 1982-47, 10:3
    -Single limit applies when candidate shifts campaign from one Congressional district to another, AO 1982-16, 5:5
Mailing lists
    -Exchanged between campaign committee and other organizations, exempt, AO 1982-41, 8:4
    -Purchased by vendor from authorized candidate committee, exempt, AO 1981-53, 4:2
Presidential testing-the-waters committee's receipts, AO 1982-19, 7:3
Prohibited
    -Artworks created by foreign national for campaign, AO 1981-51, 3:3
    -By connected organization to candidate, MUR 1398, 10:5
    -By connected organization to its PAC, FEC v. Committee for Better Government, 4:3
    -By publishing company, alleged, Reader's Digest Assoc., Inc. v. FEC, 2:9
    -By state-chartered corporation established under federal law, AO 1982-28, 6:7
    -PAC direction by foreign nationals, AO 1981-36, 1:3
    -Payments by joint venture partnership to establish PAC, AO 1981-54, 4:2
    -Payments by partnership of three corporations to establish PAC, AO 1981-56, 5:3
    -Publisher's combined fundraiser/author's party for candidate, AO 1982-29, 6:7
    -Union reimbursements to PAC for administrative costs, AO 1982-42, 9:3
Publishing company's fundraiser to retire candidate's debts, AO 1982-16, 5:5
Solicitation of
    -By corporations, AO 1981-55, 3:3; AO 1982-34, 8:3
    -By partnerships, AO 1981-50, 2:2
    -By political parties, AO 1981-48, 1:4
    -By trade associations, AO 1981-41, 1:3; AO 1981-52, 3:3; AO 1981-59, 3:4; AO 1982-8, 8:2; AO 1982-11, 5:5
    -By unions, AO 1981-57, 3:4
    -Constitutional challenge to corporate solicitations of executive and administrative personnel, International Assoc. of Machinists and Aerospace Workers v. FEC, 9:4
    -Constitutional challenge to trade association methods of, Bread PAC v. FEC, 5:6
State PAC contributions used for federal elections, AO 1982-40, 9:3; AO 1982-46, 9:4
State public funds deposited in party committee account, exempt, AO 1982-17, 6:5
Trade association's partisan communications to members, exempt, AO 1982-2, 5:3
T.V. ad including Congressional candidate's endorsement of local candidate, exempt, AO 1982-56, 12:3
See also: STATISTICS

CONVENTION
- City's fund to finance Presidential nominating convention, AO 1982-27, 6:6
- State party's nominating convention as election, AO 1982-49, 11:2

COOPERATIVE
- Sponsorship of separate segregated fund by, 10:4

CORPORATION
- Broadcast corporation's donation of free air time to major political parties, AO 1982-44, 10:3
- Campaign Guide for Corporations and Labor Organizations, 7:1
- Communication expenditures in connection with 1978 federal elections alleged, FEC v. Massachusetts Citizens for Life, Inc., 4:4
- Constitutional challenge to corporate solicitations, International Assoc. of Machinists and Aerospace Workers v. FEC, 9:4
- Contributions and expenditures by wholly-owned subsidiary of foreign corporation in connection with state and local elections, AO 1982-10, 5:4
- Contributions by, to party fund for Congressional reapportionment, AO 1982-14, 6:4
- Contributions by, to separate segregated fund, alleged, FEC v. Committee for Better Government, 4:3
- Contributions to PAC of, prohibited, FEC v. Committee for Better Government, 4:3
- Corporate partnership's challenge to §441b(a), Satellite Business Systems v. FEC, 12:6
- Creditor's forgiveness of political committee's debts, 9:1
- Expenditures by, exempt, AO 1981-56, 5:3
- Foreign subsidiary's payroll deduction plan, AO 1982-34, 8:3
- Fundraising item sold to campaign, AO 1982-30, 7:4
- Holding company's contributions and expenditures for state and local elections, AO 1981-49, 3:3
- Mailing list purchased by, from authorized candidate committee, AO 1981-53, 4:2
- Media-buying services supplied simultaneously by, to candidate and independent expenditure committee, AO 1982-20, 6:5
- Nonstock corporation's challenge to definition of "members," National Right to Work Committee v. FEC, 1:7
- PAC established by partnership of
  - -Subsidiaries of two corporations, prohibited, AO 1981-54, 4:2
  - -Three corporations, prohibited, AO 1981-56, 5:3
- Payroll deduction plan for subsidiaries, AO 1982-29, 6:7
- Prohibited contributions by, MUR 1398, 10:5
- Publisher's combined fundraiser/author's party for candidate as prohibited contribution, AO 1982-16, 5:5
- Solicitation approvals obtained from, by trade association, AO 1981-41, 1:3
- Solicitations by PAC of, from solicitable class of affiliated corporations, AO 1982-18, 6:5
- Sponsorship of separate segregated fund, 10:4
- State-chartered corporation established under federal law, AO 1982-28, 6:7
- See also: BANK; PARTNERSHIP; SEPARATE SEGREGATED FUND

CRANSTON, SENATOR ALAN
- Requester, AO 1982-3, 5:4; AO 1982-19, 7:3; AO 1982-39, 8:4

DALLAS, THE CITY OF
- Requester, AO 1982-27, 6:6

DEBTS
- Debt settlement procedures revised, 9:1
- Publisher's party to retire candidate's debts, AO 1982-16, 5:5
- Transfer of funds from state to federal campaign for debt retirement, AO 1982-52, 11:2

DELLUMS, CONGRESSMAN RONALD V.
- Requester, AO 1981-46, 1:4; AO 1982-41, 8:4

DEMOCRATIC NATIONAL COMMITTEE (DNC)
- Requester, AO 1982-5, 6:3

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE (DSCC)
- FEC v. __________ , 1:6

DISBURSEMENTS
- By campaign for renovation of leased property, AO 1982-4, 7:3
- By city government for Presidential nominating convention, AO 1982-27, 6:6
- By Presidential testing-the-waters committee, AO 1982-3, 5:4; AO 1982-19, 7:3; AO 1982-39, 8:4
- From campaign account, for legal fees involving Congressional reapportionment, AO 1981-58, 3:4
- Made by wire transfer of funds from campaign's account to vendor's account, AO 1982-25, 6:6
- Reported incorrectly as in-kind contributions to authorized candidate committee, alleged, FEC v. Robert Earl Short, 5:7
- See also: TRANSFERS

DISCLOSURE OF CAMPAIGN FINANCE INFORMATION
- Campaign's violation of reporting requirements alleged
  - -FEC v. Nick Mastorella Campaign Fund, 4:4
  - -FEC v. Robert Earl Short, 5:7, 11:6

Information available on campaign finance reports and computer indexes, 8:1
Microfilmed agenda items available, 3:8
National party committee's exemption from recordkeeping and reporting requirements, FEC v. Hall-Tyner Election Campaign Committee, 7:7
See also: PROCEDURES; REPORTS; STATISTICS

DOLBEARE, ET AL.
__________ v. FEC, 5:6

DOLE, SENATOR ROBERT
Requester, AO 1982-9, 5:4

EDWARDS, CONGRESSMAN DON
Requester, AO 1981-58, 3:4; AO 1982-37, 7:5

EMPLOYEES
Constitutional challenge to corporate solicitations of restricted class, International Assoc. of Machinists and Aerospace Workers v. FEC, 9:4
Independent political committee established by employees of corporate partnership, AO 1981-56, 5:3
Solicitation of American personnel of corporation's foreign subsidiary, AO 1982-34, 8:3
See also: CORPORATION; FUNDRAISING; SEPARATE SEGREGATED FUND

ENFORCEMENT
See: COMPLIANCE

EXCESS CAMPAIGN FUNDS
AO 1982-23, 6:6
AO 1982-33, 7:5
AO 1982-39, 8:4

EXECUTIVE AND ADMINISTRATIVE PERSONNEL
See: CORPORATION; SEPARATE SEGREGATED FUND

EXPENDITURES
Allocation of, for national party conference, AO 1982-5, 6:3
Ballot access fees, exempt, 8:1
By corporate partnerships to establish PACs, prohibited
  -AO 1981-54, 4:2
  -AO 1981-56, 5:3
By corporation in connection with 1978 federal elections, prohibited, FEC v. Massachusetts Citizens for Life, Inc., 4:4
By holding company of federally chartered bank, in nonfederal election, AO 1981-49, 3:3
By wholly-owned subsidiary of foreign corporation, in nonfederal elections, AO 1982-10, 5:4
Campaign's renovation of its headquarters, exempt, AO 1982-4, 7:3
Coordinated party (§441a(d))
  -By National Republican Senatorial Committee, as agent of state Republican Party committees, challenged, FEC v. Democratic Senatorial Campaign Committee, 1:6
  -By state party committee, for independent candidate, AO 1982-48, 10:3
  -Spending limits for 1982, 1:1; 6:1
Credit units used to purchase goods or services for in-kind contributions, AO 1982-8, 8:2
Presidential testing-the-waters committee's disbursements as
  -AO 1982-3, 5:4
  -AO 1982-19, 7:3
To influence Congressional reapportionment, exempt
  -By candidate committee, AO 1981-58, 3:4
  -By party committee, AO 1982-14, 6:4
Trade association's partisan communications to members, exempt, AO 1982-2, 5:3
See also: DISBURSEMENTS; INDEPENDENT EXPENDITURES; STATISTICS

FAIRCHILD INDUSTRIES, INC., CONTINENTAL TELEPHONE CORP., AMERICAN SATELLITE CO.
Requesters, AO 1981-54, 4:2

FEDERAL ELECTION COMMISSION
Campaign finance seminars held by, 5:1
Commissioners sworn in, 9:1
New officers elected, 2:1
President Reagan names three appointees to Commission, 2:1
See also: COMPLIANCE; LEGISLATION

FEDERAL REGISTER NOTICES
1981-12, 1:8
1982-1, 2:10
1982-2 and 1982-3, 5:5
1982-4 through 1982-6, 9:6
1982-7, 10:5
1982-8, 12:4

FLORIO, CONGRESSMAN JAMES J.
Requester, AO 1982-1, 3:5

FOREIGN ORGANIZATIONS/PERSONS
Contributions and expenditures by wholly-owned subsidiary of foreign corporation for state/local elections, AO 1982-10, 5:4
Payroll deduction plan sponsored by foreign subsidiaries of U.S. corporation, AO 1982-34, 8:3
Separate segregated fund established by trade association with foreign national members, AO 1981-36, 1:3
Volunteer services by foreign artist, prohibited, AO 1981-51, 3:3
See also: PARTNERSHIPS

BILL FRAZIER FOR CONGRESS COMMITTEE
  Requester, AO 1981-53, 4:2

FUNDRAISING
  Accounting method for contributions of county party organizations, AO 1982-38, 8:4
  By authorized candidate committees
    -Through sale of artworks consigned by artists, AO 1982-24, 6:6
    -Through sale of mailing list to data processing corporation, AO 1981-53, 4:2
  Coercive solicitation by labor organization alleged, Archie E. Brown v. FEC, 1:6
  Combined dues collection/political contribution plan of trade association PAC, AO 1982-11, 5:5; AO 1982-55, 12:2
  Combined fundraiser/author's party financed by publishing corporation, AO 1982-16, 5:5
  Concert fundraisers, 12:3
  Constitutional challenge to corporate solicitations of executive and administrative personnel, International Assoc. of Machinists and Aerospace Workers v. FEC, 9:4
  Discount books sold as campaign fundraising item, AO 1982-30, 7:4
  Earmarking contributions through payroll deduction plan of union PAC, AO 1981-57, 3:4
  Fundraising items donated to association PAC by corporate members, AO 1982-36, 8:3
  Joint fundraisers, AO 1981-59, 3:4
  Nonstock corporation's challenge to definition of solicitable "members," National Right to Work Committee v. FEC, 1:7
  Partnership's contribution plan, AO 1981-50, 2:2; AO 1982-13, 6:4
  Payroll deduction plan for corporation's subsidiaries, AO 1982-29, 6:7
  Recordkeeping requirements of party committee, AO 1981-48, 1:4
  Solicitation letters of candidate/noncandidate committees forwarded by citizen, AO 1981-60, 4:3
  Solicitation notice modified to allow transfers from membership organization's legislative fund to its PAC, AO 1981-34, 1:2
  Solicitations
    -Of affiliated corporations' solicitable personnel, AO 1982-18, 6:5
    -Of affiliated public works organizations' solicitable personnel, AO 1982-45, 9:4
    -Of American personnel of corporation's foreign subsidiary, AO 1982-34, 8:3
    -Of credit units by barter industry PAC, AO 1982-8, 8:2
    -Of joint venture partnership employees, prohibited, AO 1981-54, 4:2
  Trade association methods for obtaining solicitation approvals
    -Constitutional challenge to, Bread PAC v. FEC, 5:6
    -From member corporations, AO 1981-41, 1:3; AO 1982-54, 12:2
    -From member municipal corporations, AO 1982-26, 7:4
  Trade association solicitation of
    -Individual members of member nonstock corporations, AO 1982-12, 6:4
    -Members of affiliated organization, AO 1981-55, 3:3
    -Unincorporated members, AO 1981-52, 3:3

GANNETT FLEMING CORDDRY AND CARPENTER, INC., FEDERAL POLITICAL ACTION COMMITTEE, THE
  Requester, AO 1982-18, 6:5

GREAT WESTERN FINANCIAL CORP.
  Requester, AO 1981-49, 3:3

GREEN, MARK
  Requester, AO 1982-16, 5:5

HALL-TYNER ELECTION CAMPAIGN COMMITTEE, THE
  FEC v. ____________, 7:7

HANSELL, POST, BRANDON & DORSEY (law partnership)
  Requester, AO 1981-50, 2:2

HONORARIUM
  Annual limit, technical amendments deleting regulations on, 5:7
  Portion given to charity, exempt, AO 1982-9, 5:4

HOPFMAN, AL
  Requester, AO 1982-35, 8:3

HUMPAC (PAC of Humana, Inc.)
  Requester, AO 1982-21, 6:5

INDEPENDENT EXPENDITURES
  Independent expenditure committees
    -Constitutional challenge to limits on contributions to, NCPAC/Stahlman v. FEC, 2:8
    -Constitutional challenge to unlimited expenditures by, on behalf of publicly funded Presidential nominee, FEC v. Americans for Change, 3:1
    -Media-buying services supplied to, and candidate it supports, AO 1982-20, 6:5
    -Projects of national committee as, MUR 1399, 9:7
  Regulations on, proposed revisions announced, 1:8
  Reported incorrectly as in-kind contributions to authorized candidate committee
    -FEC v. Robert Earl Short, 5:7, 11:6
    -MUR 1398, 10:5
  See also: STATISTICS

INDIANA DEMOCRATIC PARTY, THE
Requester, AO 1982-17, 6:5

INDIVIDUALS
Legal and accounting services supplied to campaign by law student on partial scholarship, AO 1982-31, 7:4
Solicitation letters forwarded by citizen to other individuals, AO 1981-60, 4:3
Violations by, of contribution requirements in connection with Congressional campaign, alleged, FEC v. Nick Mastorelli Campaign Fund, 4:4
Volunteer services by foreign artist, prohibited, AO 1981-51, 5:3
See also: PARTNERSHIPS

INFORMATION AIDS
Campaign finance seminars for Senate and House candidates, 5:1
Campaign Guide for Corporations and Labor Organizations, 7:1
Computer tapes available on 1980 campaign finance activities, 5:2
Final Report on Financial Activity for 1979-80 U.S. Senate and House Campaigns, 7:6
Index to Advisory Opinions, supplement, 2:3
Information available from campaign finance reports and computer indexes, 8:1
Microfilmed advisory opinions available, 10:2
Microfilmed agenda items available, 3:8
Selected Bibliography of Campaign Finance Laws, 9:8
The 1971 Legislative History of the Federal Election Campaign Act, 7:5
1979-80 FEC Index of Independent Expenditures, 3:7
1979-80 FEC Report on Financial Activity for Presidential Pre-Nomination Campaigns, 3:5
1979-80 FEC Report on Financial Activity -- Final Report (on major party and nonparty/noncandidate committees), 5:1

INTERNATIONAL ASSOC. OF AMUSEMENT PARKS AND ATTRACTIONS, THE
Requester, AO 1981-41, 1:3

INTERNATIONAL ASSOC. OF MACHINISTS AND AEROSPACE WORKERS,
__________ v. FEC, 9:4

INTERNATIONAL ASSOC. OF TRADE EXCHANGES, THE
Requester, AO 1982-8, 8:2

JACKSON CAN WIN (Draft) COMMITTEE, THE
Requester, AO 1982-32, 7:5

JACOBS, CONGRESSMAN ANDREW
Requester, AO 1982-56, 12:3

JAPAN BUSINESS ASSOC. OF SOUTHERN CALIFORNIA, THE
Requester, AO 1981-36, 1:3

KAY, RICHARD B.
__________ v. FEC, 2:9

KENNEDY FOR PRESIDENT COMMITTEE
__________ v. FEC, 2:8

KOENIG, ERIC
Requester, AO 1982-31, 7:4

LABOR ORGANIZATIONS
Coercive solicitation to labor separate segregated fund, alleged, Archie E. Brown v. FEC, 1:6
Constitutional challenge by, to corporate solicitations of corporate and executive personnel, International Assoc. of Machinists and Aerospace Workers v. FEC, 9:4
Payroll deduction plan
  -Allowing earmarked contributions, AO 1981-57, 3:4
  -Made available to, AO 1982-45, 9:4
Reimbursement of PAC for administrative costs, prohibited, AO 1982-42, 9:3

LAW IN THE COURTS
FEC v. __________
  -Committee for Better Government, 4:3
  -Democratic Senatorial Campaign Committee, 1:6
  -Florida for Kennedy Committee, 11:6
  -Hall-Tyner Election Campaign Committee, 7:7
  -Massachusetts Citizens for Life, Inc., 4:4
  -Nick Mastorelli Campaign Fund, 4:4
  -Short, Robert Earl, 5:7; 11:6
__________ v. FEC
  -Bread Political Action Committee, 5:6
  -Brown, Archie E., 1:6
  -Carter/Mondale Presidential Committee, Inc., 9:6
  -Dolbeare, et al., 5:6
  -International Association of Machinists and Aerospace Workers, 9:4
  -Kay, Richard B., 2:9
  -Kennedy for President Committee, 2:8
  -NCPAC/Stahlman, 2:8
  -Reader's Digest Assoc., Inc., 2:9
  -Reagan Bush Committee, 2:7
  -Satellite Business Systems, 12:6
  -Wilson, William A., 11:7

LEGAL AND ACCOUNTING SERVICES
Supplied by
  -Employees of corporate partnership, to independent political committee, AO 1981-56, 5:3
  -Law student, to campaign, AO 1982-31, 7:4

LEGAL DEFENSE FUND
  Campaign funds used for litigation involving Congressional reapportionment, exempt, AO 1981-58, 3:4; AO 1982-37, 7:5
  For contesting denial of primary ballot access, exempt, AO 1982-35, 8:3
  Party committee's fund to influence Congressional reapportionment, exempt, AO 1982-14, 6:4

LEGISLATION
  FEC testifies on
    -Amendments to FECA, 1:5
    -FY 1983 budget and FY 1982 supplemental, 6:7

MAILING LISTS
  Exchange of, between candidate's authorized committee and other committees and organizations, AO 1981-46, 1:4
  Sale of, by candidate's authorized committee, AO 1981-53, 4:2

MASSACHUSETTS CITIZENS FOR LIFE, INC.
  FEC v. __________, 4:4

NICK MASTORELLI CAMPAIGN FUND
  FEC v. __________, 4:4

MEMBERSHIP ORGANIZATION
  Affiliated status of, for purposes of PAC solicitations, AO 1982-45, 9:4
  Combined payment of membership dues and PAC contributions to, AO 1982-55, 12:2
  Conversion of state PAC to federal PAC, AO 1982-40, 9:3
  Partisan communications to members, AO 1982-2, 5:3
  Solicitation of members of affiliated organization, AO 1981-55, 3:3
  Transferring funds from legislative fund to separate segregated fund, AO 1981-34, 1:2

METZENBAUM FOR SENATE COMMITTEE
  Requester, AO 1981-51, 3:3

MICHIGAN REPUBLICAN STATE COMMITTEE
  Requester, AO 1982-14, 6:4

MOYNIHAN, SENATOR PATRICK
  See: COMMITTEE TO RE-ELECT SENATOR MOYNIHAN

MUSKEGON COUNTY REPUBLICAN PARTY
  Requester, AO 1981-48, 1:4

NATIONAL ASSOC. OF REAL ESTATE INVESTMENT TRUSTS, INC., THE
  Requester, AO 1981-52, 3:3

NATIONAL ASSOC. OF REALTORS, THE
  Requester, AO 1981-59, 3:4

NATIONAL ASSOC. OF RETIRED FEDERAL EMPLOYEES, THE
  Requester, AO 1981-34, 1:2

NATIONAL CLUB ASSOC., THE
  Requester, AO 1982-12, 6:4

NATIONAL RADIO BROADCASTING ASSOC., THE
  Requester, AO 1982-2, 5:3

NATIONAL TREASURY EMPLOYEES UNION
  Requester, AO 1982-42, 9:3

NCPAC/STAHLMAN
  __________ v. FEC, 2:8

NONCONNECTED POLITICAL COMMITTEE
  Definition of, 10:4

NONFEDERAL ELECTIONS
  Allocation of nonfederal expenses of national party conference, AO 1982-5, 6:3
  Contributions and expenditures in connection with state and local elections
    -By holding company of federally chartered bank, AO 1981-49, 3:3; AO 1981-61, 3:5
    -By state-chartered corporation established under federal law, AO 1982-28, 6:7
    -By wholly-owned subsidiary of foreign corporation, AO 1982-10, 5:4
  Contributions to state PAC used for federal elections, AO 1982-40, 9:3
  Joint fundraising proceeds transferred between trade association's state/federal PACs, AO 1981-59, 3:4
  Transfers from state to federal campaign for debt retirement, AO 1982-52, 11:2
  T.V. ad with endorsement of local candidate by Congressional candidate, AO 1982-56, 12:3

NONFILERS
  FEC releases names of, 1:7; 5:8, 10:7; 12:6

OFFICEHOLDERS
  Former Senator's personal use of excess campaign funds, AO 1982-33, 7:5
  Portion of Senator's honorarium given to charity, exempt, AO 1982-9, 5:4

OHIO FARM BUREAU FEDERATION, INC.
  Requester, AO 1982-40, 9:3

PARTISAN COMMUNICATIONS
  By trade association to members, AO 1982-2, 5:3
  Regulations for corporate and labor organization, revisions announced, 2:1
  See also: COMMUNICATIONS/ADVERTISING

PARTNERSHIPS

- Corporate partnership's challenge to §441b(a), Satellite Business Systems v. FEC, 12:6
- Law partnership
  - -Legal service ads sponsored during partner's candidacy, exempt, AO 1982-15, 6:4
  - -Plan for member participation in contributions of, AO 1981-50, 2:2; AO 1982-13, 6:4
- PAC established by
  - -Joint venture partnership, prohibited, AO 1981-54, 4:2
  - -Partnership of three corporations, prohibited, AO 1981-56, 5:3

PARTY

- Accounting method for contributions of unregistered party organizations, AO 1982-38, 8:4
- Allocation of federal/nonfederal expenses of national party conference, AO 1982-5, 6:3
- Broadcast corporation's donation of free air time to, AO 1982-44, 10:3
- Contributions earmarked through local party organization, AO 1982-23, 6:6
- Coordinated party (§441a(d)) expenditures
  - -By National Republican Senatorial Committee, as agent of state Republican party committees, challenged, FEC v. Democratic Senatorial Campaign Committee, 1:6
  - -By state party committee, for independent candidate, AO 1982-48, 10:3
  - -Spending limits for 1982, 6:1
  - -Spending limits in Connecticut special election, 1:1
- Deposit of state public funds in party committee's federal account, AO 1982-17, 6:5
- Disbursements to influence Congressional reapportionment, exempt, AO 1982-14, 6:4
- Information on party committees available from reports and computer indexes, 8:7
- National party committee exempt from recordkeeping and disclosure requirements, FEC v. Hall-Tyner Election Campaign Committee, 7:7
- Statistics on
  - -Major party campaign finance activity, 1/81-6/82, 12:1
  - -Major party campaign finance activity during 1980 (on computer tape), 5:2
  - -Major party spending during 1979-80, 5:1

PERSONS

- See: INDIVIDUALS; PARTNERSHIPS

PHILLIPS FOR CONGRESS COMMITTEE, THE

- Requester, AO 1982-24, 6:6

POLITICAL COMMITTEES

- Campaign headquarter's renovations, AO 1982-4, 7:3
- Conversion of state to federal PAC, AO 1982-40, 9:3
- Debt settlement procedures for, revised, 9:1
- Draft committees
  - -Conversion to multicandidate committee, AO 1982-32, 7:5
  - -Legislative recommendations to bring within the Act's purview, 1:5
  - -Outside the Act's purview, FEC v. Florida for Kennedy Committee, 11:6
- Established by joint venture partnership, prohibited, AO 1981-54, 4:2
- Established by partnership of three corporations, prohibited, AO 1981-56, 5:3
- Independent expenditure committees as, MUR 1399, 9:7
- Independent political committee
  - See: NONCONNECTED POLITICAL COMMITTEE
- Information on, available from reports and computer indexes, 8:6
- Mailing lists exchanged between candidate's campaign and other organizations, AO 1982-41, 8:4
- Multicandidate committee status
  - -Granted to draft committee, AO 1982-32, 7:5
  - -MUR 1398, 10:5
- Political committee status triggered by
  - -Contributions by state PAC to federal PAC, AO 1982-46, 9:4
  - -Transfers from state campaign to federal campaign, AO 1982-52, 11:2
- Reporting schedule for, during election year, 2:3
- Seminar held for authorized candidate committees, 5:1
- Separate segregated funds versus unconnected political committees, 10:4
- Single candidate committee for campaigns waged in two Congressional districts, AO 1982-22, 5:5
- Transfers between candidate's former and current campaign committees, AO 1982-1, 3:5
- Transfers between committees of individual's three separate campaigns, AO 1982-39, 8:4
- See also: PARTY; SEPARATE SEGREGATED FUND

PRESIDENTIAL ELECTIONS

- Audits of publicly funded campaigns challenged
  - -Carter/Mondale Presidential Comm., Inc. v. FEC, 9:6
  - -Kennedy for President Committee v. FEC, 2:8
  - -Reagan Bush Committee v. FEC, 2:7
- Constitutional challenge to FEC investigations of publicly funded Presidential primary campaign, Dolbeare, et al. v. FEC, 5:6
- Draft committee for undeclared Presidential candidate, donations to and expenditures by, FEC v. Florida for Kennedy Committee, 11:6

Election year reporting schedule for authorized Presidential committees, 2:3
Fund used by city to finance Presidential nominating convention, exempt, AO 1982-27, 6:6
National party committee exempt from recordkeeping and reporting requirements re: 1976 Presidential general election, FEC v. Hall-Tyner Election Campaign Committee, 7:7
Newspaper's issue chart on Presidential candidates, alleged corporate contribution or expenditure, Richard B. Kay v. FEC, 2:9
Publishing company's alleged corporate contributions in connection with Presidential primary campaign, Reader's Digest Assoc., Inc. v. FEC, 2:8
Reporting schedule for authorized Presidential committees, 4:1
Testing-the-water activities by potential Presidential candidate, AO 1982-3, 5:4; AO 1982-19, 7:3; AO 1982-39, 8:4
Unlimited expenditures on behalf of publicly funded Presidential nominee, challenged, FEC v. Americans for Change, 3:1
See also: PUBLIC FINANCING; STATISTICS

PRIMARY ELECTIONS
Campaign waged by candidate in two Congressional districts, AO 1982-22, 5:5
Contributions designated for primary never held, AO 1982-49, 11:2
Corporate contributions alleged in connection with
  -Kay, Richard B. v. FEC, 2:9
  -Reader's Digest Assoc., Inc. v. FEC, 2:9
Primaries rescheduled
  -Michigan, 7:2
  -Mississippi, 7:2
  -New York, 9:1
Transfer of funds from to state to federal campaign to retire debts of, AO 1982-52, 11:2
1980 statistics available on computer tape, 5:2
See also: PRESIDENTIAL ELECTIONS; PUBLIC FINANCING; STATISTICS

PRINCE GEORGE'S COUNTY BOARD OF REALTORS, THE
Requester, AO 1982-55, 12:2

PROCEDURES
Accounting method for contributions by unregistered party organizations, AO 1982-38, 8:4
Allocation of expenditures for national party conference between federal/nonfederal elections, AO 1982-5, 6:3
Ballot access exemptions delineated, 8:1
Conversion of draft committee into multicandidate committee, AO 1982-32, 7:5
Debt settlement procedures revised, 9:1
For concert fundraisers, 12:3
For earmarking contributions through union PAC's payroll deduction plan, AO 1981-57, 3:4
For shifting campaign from one Congressional district to another, AO 1982-22, 5:5
For transfers
  -By wire, AO 1982-25, 6:6
  -Of contributions from former to current campaign, AO 1982-1, 3:5
  -Of funds from state to federal campaign, for debt retirement, AO 1982-52, 11:2
  -Of funds of terminating committee to local party organization, AO 1982-23, 6:6
  -Of proceeds of joint fundraisers by state/federal PACs, AO 1981-59, 3:4
Nonfiler procedures revised, 3:1
See also: REPORTS

PUBLIC FINANCING
Audits of publicly funded Presidential campaigns challenged
  -Carter/Mondale Presidential Comm., Inc. v. FEC, 9:6
  -Kennedy for President Committee v. FEC, 2:8
  -Reagan Bush Committee v. FEC, 2:7
Convention fund of city, exempt, AO 1982-25, 6:6
Investigations of publicly funded Presidential primary campaign challenged, Dolbeare, et al. v. FEC, 5:6
Legislative recommendations to remove state-by-state spending limits in Presidential primaries, 1:5
Primary matching fund regulations
  -Announcement of proposed revisions, 9:6
  -Comment period extended, 10:1
Unlimited expenditures by committees on behalf of publicly funded Presidential nominee, challenged, FEC v. Americans for Change, 3:1

PUBLIC SECURITIES ASSOCIATION POLITICAL ACTION COMMITTEE
Requester, AO 1982-54, 12:2

PUBLICATIONS
Campaign Guide for Corporations and Labor Organizations, 7:1
Final Report on Financial Activity for 1979-80 U.S. Senate and House Campaigns, 7:6
Index to Advisory Opinions, supplement, 2:3; full index, 8:2
Selected Bibliography of Campaign Finance Laws, 9:8
The 1971 Legislative History of the Federal Election Campaign Act, 7:5
1979-80 FEC Index of Independent Expenditures, 3:7
1979-80 FEC Report on Financial Activity for Presidential Pre-Nomination Campaigns, 3:5

1979-80 FEC Report on Financial Activity -- Final Report (of major party and noncandidate/nonparty committees), 5:1

READER'S DIGEST ASSOC., INC.
- _________ v. FEC, 2:9

REAGAN BUSH COMMITTEE
- _________ v. FEC, 2:7

REAPPORTIONMENT OF CONGRESSIONAL DISTRICTS
- Funds to influence
  - -AO 1981-58, 3:4
  - -AO 1982-14, 6:4
  - -AO 1982-37, 7:5

RECORDKEEPING REQUIREMENTS
- For county party organizations' contributions to Senate candidate, AO 1982-38, 8:4
- For party committee's bingo fundraisers, AO 1981-48, 1:4

REGULATIONS
- Communications/advertising
  - -Revisions to, announced, 2:1
- Honoraria limits
  - -Technical amendments, 5:7
- Primary matching fund
  - -Comment period extended on revisions to, 10:1
  - -Revisions to, announced, 9:6

REPORTS
- Campaign's violation of reporting requirements, alleged
  - -FEC v. Nick Mastorelli Campaign Fund, 4:4
  - -FEC v. Robert Earl Short, 5:7; 11:6
- Election year reporting schedule, 2:3; 3:2
- Legislative recommendations to modify reporting requirements, 1:5
- Primaries rescheduled
  - -Michigan, 7:2
  - -Mississippi, 7:2
  - -New York, 9:1
- Reporting procedures for
  - -Campaign's renovation of leased property, AO 1982-4, 7:3
  - -Contributions earmarked through union PAC's payroll deduction plan, AO 1981-57, 3:4
  - -Contributions transferred from former to current campaign committee, AO 1982-1, 3:5
  - -Debt settlement statements, 9:1
  - -Disbursements covering legal fees involving Congressional reapportionment, AO 1981-58, 3:4
  - -Draft committee converting to multicandidate committee, AO 1982-32, 7:5
  - -Last-minute contributions received before the general election, 10:1
  - -Reports filed on computer-designed form, AO 1982-7, 6:3
  - -Reports filed with Iowa Secretary of State, 6:1
  - -State public funds deposited in party committee's account, AO 1982-17, 6:5
- Reports due
  - -April 1982, 4:1
  - -December 1982, 11:1
  - -July 1982, 7:1
  - -October 1982, 10:1
  - -Year-end (1981), 1:1
- Special elections
  - -Michigan and Mississippi primaries rescheduled, 7:2
  - -Spending limits for party committees in Connecticut, 1:1

REPUBLICAN NATIONAL COMMITTEE
- See: DALLAS, THE CITY OF

ROSS, STATE SENATOR DOUG
- Requester, AO 1982-52, 11:2

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, THE
- Requester, AO 1982-45, 9:4

SATELLITE BUSINESS SYSTEMS
- Requester, AO 1981-56, 5:3
- _________ v. FEC, 12:6

SEALASKA CORPORATION
- Requester, AO 1982-28, 6:7

SEPARATE SEGREGATED FUND (PAC)
- Campaign Guide for Corporations and Labor Organizations, 7:1
- Coercive solicitation to union PAC, alleged, Archie E. Brown v. FEC, 1:6
- Combined dues collection/political contribution plan
  - -Of membership organization, AO 1982-55, 12:2
  - -Of trade association PAC, AO 1982-11, 5:5
- Contributions by, before achieving multicandidate status, MUR 1398, 10:5
- Contributions by, to another PAC, as index of affiliation, AO 1982-21, 6:5
- Contributions to and expenditures by, of credit units, AO 1982-8, 8:2
- Contributions to, by connected organization, prohibited, FEC v. Committee for Better Government, 4:3
- Conversion of state PAC to federal PAC, AO 1982-40, 9:3; 1982-46, 9:4
- Corporate partnership's challenge to FEC ruling on establishment of, Satellite Business Systems v. FEC, 12:6

Definition of, 10:4
Definition of solicitable members, challenged, National Right to Work Committee v. FEC, 1:7
Established by
  -Joint venture partnership, prohibited, AO 1981-54, 4:2
  -Three corporations, prohibited, AO 1981-56, 5:3
  -Trade association with foreign national members, AO 1981-36, 1:3
Joint fundraiser transfers between state/federal PACs, AO 1981-59, 3:4
Merger of trade association PACs; fundraising items donated by corporate members, AO 1982-36, 8:3
Reimbursement by union to its PAC for administrative costs, prohibited, AO 1982-42, 9:3
Reporting on computer-designed form, AO 1982-7, 6:3
Solicitations by
  -Approvals obtained from corporate members for solicitations by trade association PAC, AO 1981-41, 1:3; AO 1982-54, 12:2
  -Constitutional challenge to corporate solicitations of executive and administrative personnel, International Assoc. of Machinists and Aerospace Workers v. FEC, 9:4
  -Constitutional challenge to restrictions on trade association solicitations, Bread PAC v. FEC, 5:6
  -Of American personnel of foreign subsidiary, AO 1982-34, 8:3
  -Of individual members of member nonstock corporations, AO 1982-12; 6:4
  -Of individual members of organization affiliated with connected organization, AO 1981-55, 3:3
  -Of solicitable class of affiliated corporations, AO 1982-18, 6:5
  -Of solicitable class of trade association's member municipal corporations, AO 1982-26, 7:4
See also: CORPORATIONS; LABOR ORGANIZATIONS; STATISTICS; TRADE ASSOCIATIONS

SHORT, ROBERT EARL
FEC v. _________, 5:7; 11:6

BARBARA SIGMUND FOR CONGRESS COMMITTEE, THE
Requester, AO 1982-25, 6:6

SOLAR ENERGY INDUSTRIES ASSOCIATION POLITICAL ACTION COMMITTEE (SEIA-PAC)
Requester, AO 1982-7, 6:3

SONAT POLITICAL ACTION COMMITTEE (SONAT PAC)
Requester, AO 1982-34, 8:3

SPECIAL ELECTIONS
Michigan and Mississippi primaries rescheduled, 7:2
Spending limits for party committees in Connecticut, 1:1

SPRIK AND ANDERSEN
Requesters, AO 1982-15, 6:4

STAFF
See: FEDERAL ELECTION COMMISSION

STATE
Holding company's participation in state and local elections, AO 1981-49, 3:3
Preemption by FECA of state laws prohibiting corporate payroll deduction plan, AO 1982-29, 6:7
State-chartered corporation established under federal law, AO 1982-28, 6:7
State PAC's funds used for federal elections; conversion to federal PAC, AO 1982-40, 9:3
State party committee's coordinated expenditures for independent candidate, AO 1982-48, 10:3
State public funds deposited in state party committee's account, AO 1982-17, 6:5

STATISTICS
Computer tapes available on comprehensive 1980 campaign finance activities, 5:2
Final Report on Financial Activity for 1979-80 U.S. Senate and House Campaigns, 7:6
Independent expenditures for first 15 months of 1981-82 election cycle, 8:8
PAC financial activity
  -For first 15 months of 1981-82 election cycle, 8:9
  -For first 18 months of 1981-82 election cycle, 11:1
Party financial activity
  -For 1979-80 election cycle, 5:1
  -For first 18 months of 1981-82 election cycle, 12:1
1979-80 FEC Index of Independent Expenditures, 3:7
1979-80 FEC Report on Financial Activity for Presidential Pre-Nomination Campaigns, 3:5
1979-80 FEC Report on Financial Activity -- Final Report (on major party and noncandidate/nonparty committees), 5:1
1980 Presidential primary activity, final report, 3:5
See also: INFORMATION AIDS; PUBLICATIONS

SULLIVAN, FLORENCE M.
Requester, AO 1982-47, 10:3

SUNRISE SUNSET CORP.
  Requester, AO 1982-30, 7:4

SUTHERLAND, ASKILL & BRENNAN
  Requester, AO 1982-13

SYNTEX (U.S.A.) INC.
  Requester, AO 1982-10, 5:4

TESTING-THE-WATER ACTIVITIES
  By potential Presidential candidate, AO 1982-3, 5:4; AO 1982-19, 7:3
  Excess funds transferred to Senate candidate's committee for, AO 1982-39, 8:4

TEXAS MANUFACTURED HOUSING ASSOCIATION
  Requester, AO 1982-46, 9:4

TIME BUYING SERVICES, INC. (TBS)
  Requester, AO 1982-20, 6:5

TRADE ASSOCIATION
  Merger of PACs; donation of fundraising items by corporate members, AO 1982-36, 8:3
  Partisan communications to members
    -AO 1982-2, 5:3
    -Regulations on, revisions announced, 2:1
  Reports filed on computer-designed forms by PAC of, AO 1982-7, 6:3
  Separate segregated fund (PAC) of
    -Contribution made by, to another PAC, AO 1982-21, 6:5
    -Sponsorship of, 10:4
    -With foreign national members, AO 1981-36, 1:3
  Solicitations by
    -Method for obtaining solicitation approvals from corporate members, AO 1981-41, 1:3; AO 1982-54, 12:2
    -Method for obtaining solicitation approvals from municipal corporate members, AO 1982-26, 7:4
    -Method for transferring proceeds of joint fundraisers by state/federal PACs, AO 1981-59, 3:4
    -Of contributions in the form of credit units, AO 1982-8, 8:2
    -Of individual members of member nonstock corporations, AO 1982-12, 6:4
    -Of unincorporated members, A0 1981-52, 3:3
    -PAC of, from members of affiliated organization, AO 1981-55, 3:3
    -Restrictions on, constitutional challenge to, Bread PAC v. FEC, 5:6
    -Use of combined dues collection/contribution plan, AO 1982-11, 5:5

TRANSFERS
  By PAC of terminating trade association to PAC of association with which it has merged, AO 1982-36, 8:3
  By state PAC to federal PAC for federal elections, AO 1982-40, 9:3
  By state Republican Party committees to national party committee for coordinated party (§441a(d)(3)) expenditures, challenged, FEC v. Democratic Senatorial Campaign Committee, 1:6
  By terminating committee to local party organization, AO 1982-23, 6:6
  From candidate's former to his current committee, in same election cycle, AO 1982-1, 3:5
  From membership organization's legislative fund to its PAC, AO 1981-34, 1:2
  From state to federal campaign for debt retirement, AO 1982-52, 11:2
  Of state/federal PAC joint fundraising proceeds, by trade association, AO 1981-59, 3:4

TURNER BROADCASTING SYSTEM, INC., THE
  Requester, AO 1982-44, 10:3

UNION
  See: LABOR ORGANIZATIONS

UNITED TELECOMMUNICATIONS, INC.
  Requester, AO 1982-29, 6:7

UTAH STATE DEMOCRATIC COMMITTEE
  Requester, AO 1982-48, 10:3

VOLUNTEER SERVICES
  By entertainer for fundraising concert, 12:3
  By foreign artist to campaign, prohibited, AO 1981-51, 3:3
  By law student to campaign, AO 1982-31, 7:4
  By tradesmen, to renovate campaign headquarters, AO 1982-4, 7:3

WEICKER '82 COMMITTEE, THE
  Requester, AO 1982-49, 11:2

WESTCHESTER CITIZENS FOR GOOD GOVERNMENT COMMITTEE, THE
  Requester, AO 1982-23, 6:6

WILLIAMS PROJECT '76, THE
  Requester, AO 1982-33, 7:5

800 LINE
  Concert fundraisers, 12:3
  Information available from FEC reports and computer indexes on candidates, PACs and political party committees, 8:1
  Separate segregated funds and independent PACs, 10:4

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Official Business

First Class Mail
Postage & Fees Paid
FEC
Washington, D.C.
Permit No. G-31